

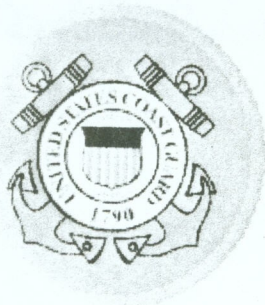


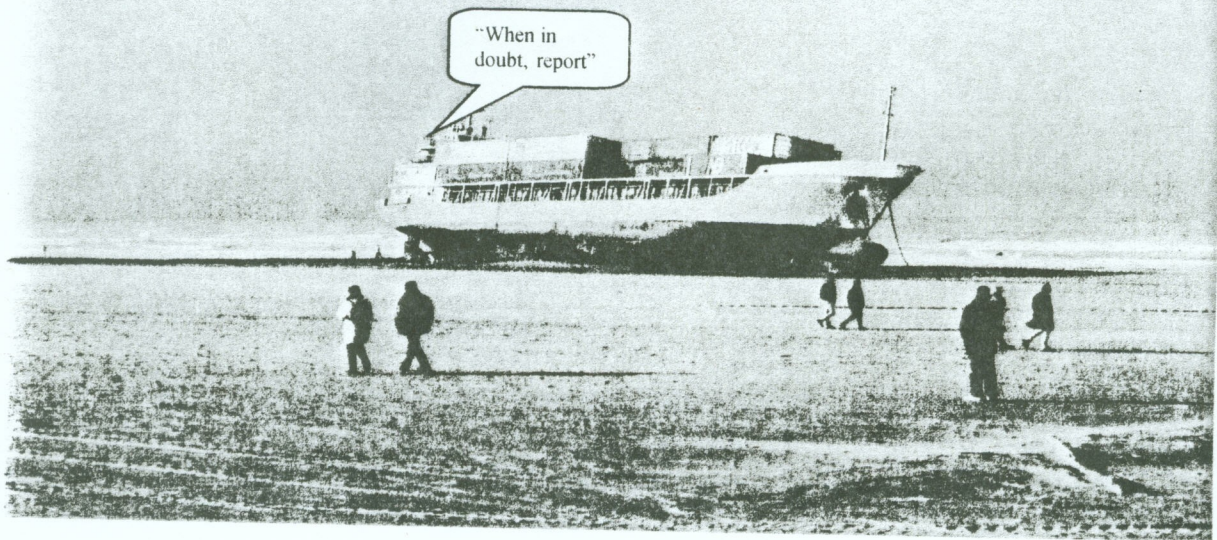
# MARINE CASUALTY REPORTING REQUIREMENTS

aka

*“When in doubt, report”*

Prepared by:  
CG SECTOR NEW YORK  
RECOVERY OPERATIONS DIVISION  
MARINE INVESTIGATIONS BRANCH  
212 COAST GUARD DRIVE  
STATEN ISLAND, NY 10305





## SECTION 1. MARINE CASUALTIES

### What is a Marine Casualty?

**References: : 46 USC 6101, 46 CFR Part 4**

The term *marine casualty or accident* includes any accidental grounding, or any occurrence involving a vessel which results in damage by or to the vessel, its apparel, gear, or cargo, or injury or loss of life of any person; and includes among other things; collisions, allisions, strandings, groundings, foundering, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect the seaworthiness of the vessel. The regulatory reference for the aforementioned can be found in Title 46 Code of Federal Regulations (CFR), Subpart 4.03-Definitions.

### What kind of vessel is required to report a Marine Casualty to the USCG?

**References: : 46 USC 6101, 46 CFR Part 4**

*Any\** vessel is required to report a Marine Casualty if such incident occurs upon the navigable waters of the United States, its territories or possessions; or any incident (wherever such incident may occur) involving any United States' vessel which is not a public vessel. This includes all foreign flag vessels in U.S. Waters. Those vessels excluded from reporting marine casualties under Title 46 are outlined in Title 46 CFR, section 4.01-3. Please be aware, however, that these vessels are still required to report marine casualties in accordance with other CFRs as may be applicable to the specific casualty scenario.

\*See specific reporting exclusions, such as Public Vessels as defined in 46 CFR 4.03-40. Recreational Boats must report only those incidents required by 33 CFR 173.51.

Foreign flag passenger vessels are also required to report Marine Casualties involving United States citizens\*, wherever they may occur.

\* For full details please refer to 46 U. S. Code (USC), section 6101. Applies to those passengers who join or depart the vessel at a United States port or purchase a travel package marketed in the United States.

A Foreign flag tanker\* is also required to report a Marine Casualty while in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

\* Constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue. Again, please refer to 46 USC section 6101 and 46 CFR 4.05-2 for details.

**After a Marine Casualty occurs, what kind of report must be made to the USCG?**  
**References: 46 CFR 4.05-1 & 46 CFR 4.05-10**

IMMEDIATELY after addressing resultant safety concerns, the owner, agent, master, operator, or person-in-charge, shall notify the nearest Marine Safety Office or Coast Guard Group Office whenever a vessel is involved in a Marine Casualty. The regulations still use the older terms Marine Safety Office and Group. Recently the Coast Guard has reorganized the aforementioned units into Sectors that should provide some ease in reporting. Nearest means, the closest USCG office to where the incident occurred. **For the Port of New York - New Jersey this notification should be made to: CG Sector New York via radio or 24-hour phone notification (primary) at (718) 354-4353 or (secondary) (718) 354-4088.** Please be aware that incidents in Long Island Sound may be handled by the CG Sector in New Haven, CT and incidents off the coast of New Jersey may be referred to the CG Sector in Philadelphia (Delaware Bay). Nonetheless, when in doubt, report to the closest Sector.

The owner, agent, master, operator or person-in-charge shall, WITHIN 5 DAYS, file a written report of any marine casualty. This report is in addition to the immediate notice mentioned above. This written report must be delivered to the cognizant Coast Guard Sector that received the immediate notification. For the Port of New York - New Jersey this notification should be sent to: **Commander, USCG Sector New York, Recovery Operations Division, 212 Coast Guard Drive, Staten Island, NY. 10305, Attention: Marine Investigations Branch.**

**Is it possible that my vessel is excluded from the Title 46 reporting requirements?**  
**References: 46 CFR 4.01-3, 33 CFR 173.53, 46 CFR 197.484 & 29 CFR 1904.**

There are only a few exceptions to the Title 46 reporting requirements, the largest subset of this group being those vessels subject to the reporting requirements found in Title 33 CFR 173.51 (i.e. those vessels used for recreational purposes or required to be numbered under Title 33 CFR). And so while there may be different marine casualty reporting procedures, limits, categories, etc...covered in another part of the Code of Federal Regulations, the bottom line is that if your vessel is not a public vessel (and even they have internal agency reporting criteria that may require Coast Guard investigation) then you will need to report it if your vessel is involved in a marine casualty. When in doubt always report and let the cognizant Coast Guard office sort out the applicability.

**Where should a U.S. flag vessel, which has suffered a marine casualty, make an immediate notification and send the CG-2692 if the vessel is crossing the Atlantic or is otherwise overseas?**

**References: USCG Headquarters, COMDT (CG-545) policy**

Please note that marine casualties, occurring on U.S. flag vessels, while transiting east to Europe or the Mediterranean and then east to Diego Garcia - India, require immediate notification and subsequent filing of CG-2692s to: **Commanding Officer, USCG MIO Europe, PSC 72 Box 189, APO AE 09715 Netherlands.** Telephone: 011-31-10-442-4458.

Marine casualties occurring on U.S. flag vessels overseas on voyages either east of Diego Garcia - India, to Singapore or west from Hawaii to Diego Garcia - India require notification and subsequent filing of CG-2692s to: **USCG MIDET Singapore, PSC 470 Box 2050, USA FPO AP 96534-2050.** Telephone: (65) 750-2340.

U.S. flag vessels, suffering marine casualties while transiting across the Atlantic to the United States, should make an immediate notification to the nearest USCG Officer-In-Charge, Marine Inspection, to where the vessel will make it's first port call.

**Is there a required form for the written report?**

**References: 46 CFR 4.05-10**

Yes. The written report of a marine casualty must be provided on Form CG-2692, Report of Marine Accident, Injury or Death, supplemented as necessary by appended Forms CG-2692A, Barge Addendum and CG-2692B, Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident.

Please note that CG-2692, CG-2692A and CG-2692B forms are now available on the Internet! On line, go to:

<http://www.uscg.mil/hq/g-m/nmc/genpub.htm>

**When is a Form CG-2692B, Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident, required to be submitted?**

**References: 46 CFR 4.06-60(a)**

Whenever an individual engaged or employed on a vessel is identified as being directly involved in a Serious Marine Incident, the marine employer shall complete Form CG-2692B.

**What are the Title 46 CFR "Reportable Marine Casualties"?**

**References: 46 CFR 4.05-1**

A reportable marine casualty is an incident which must be investigated by a U.S. Coast Guard Investigating Officer. Reportable Marine Casualties are:

- 1) An unintended grounding, or an unintended strike of (allision with) a bridge;
- 2) An intended grounding or an intended strike of a bridge, which creates a hazard to navigation, the environment, or the safety of the vessel, or that creates a marine casualty.
- 3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel.
- 4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for

service or route, including but not limited to fire, flooding, failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment or bilge-pumping systems;

5) A loss of life;

6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or

7) An occurrence causing property damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, dry-docking, or demurrage.

**If an incident occurs offshore and the problem is corrected prior to entering U.S. waters, is this reportable and if so, where would a vessel report the marine casualty to?**

**References: 46 CFR Part 4.03-1**

46 CFR Part 4.03-1 requires all applicable U.S. flag vessels to report marine casualties to the Coast Guard, *wherever they may occur*. This is why the regulatory task of reporting marine casualties is not only placed upon the master of a vessel. The owner, operator and agent are also charged, by law, to make an immediate notification of a marine casualty and ensure that a Report of Marine Casualty is filed within the 5 day deadline. In some cases, the immediate notification and submission of a CG-2692 can be finished before the vessel even arrives in its first U.S. port. At the time of a casualty, after the immediate resultant safety concerns have been met, **an immediate notification of the marine casualty is to be made to the nearest Coast Guard unit to where the incident originally occurred**. If the Coast Guard unit, having responsibility over the port of entry to where the vessel is arriving, is different than the Coast Guard unit closest to where the marine casualty occurred, a notification to the arriving port is only necessary if the vessel's seaworthiness and ability to maneuver properly are still being affected.

**What protection does the USCG afford to maritime companies when disclosing medical/crewmember information during casualty investigations or submission of a CG-2692?**

**References: 46 USC sections 6305 & 6308 and Title 5 USC 552(b).**

The concern of liability is a common problem that hinders the U.S. Coast Guard from performing quality marine casualty investigation. To address this problem, the Congress of the United States introduced in the Authorization Act of 1996, a provision that completely prohibits a marine casualty investigation report from being admissible as evidence or subject to discovery in any civil or administrative proceedings, other than administrative proceedings initiated by the United States. It also prohibits a U.S. Coast Guard member, investigating a marine casualty, from being subject to deposition without permission of the (now) Secretary of Homeland Security.

**What is a Serious Marine Incident and how does it differ from a Marine Casualty?**

**References: 46 CFR 4.03-2**

The term "Serious Marine Incident" designates those situations where mandatory post-accident

drug and alcohol testing of crewmembers who were directly involved in the incident must be performed. The United States categorizes a "Serious Marine Incident" as a Reportable Marine Casualty involving a vessel in commercial service which results in:

- 1) One or more deaths;
- 2) An injury to a crewmember, passenger, or other person which requires professional medical treatment (treatment beyond first aid) and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties;
- 3) An occurrence causing property damage in excess of \$100,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.
- 4) Actual or constructive total loss of any vessel issued a Certificate of Inspection.
- 5) Actual or constructive total loss of any self-propelled vessel, not issued a Certificate of Inspection, of 100 Gross Tons and more;
- 6) A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined in 33 USC. 1321, whether or not resulting from a marine casualty;
- 7) A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

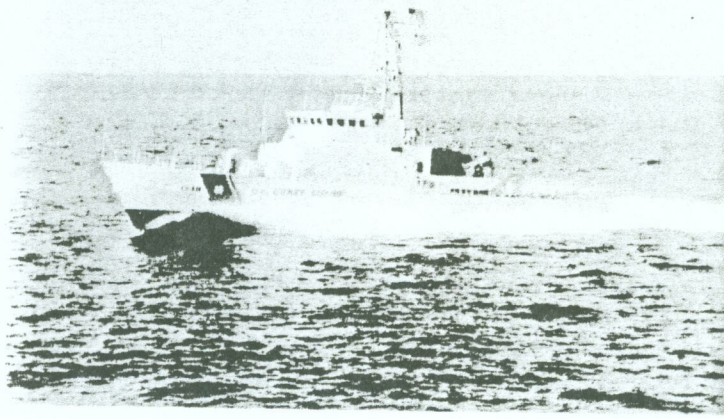
**What is a Major Marine Casualty and why is this different from all the other defined marine casualties?**

**References: 46 CFR 4.40-5**

A Major Marine Casualty means a casualty involving a vessel, other than a public vessel that results in:

- 1) The loss of six or more lives;
- 2) The loss of a mechanically propelled vessel of 100 Gross Tons or more;
- 3) Property Damage initially estimated at \$500,000 or more;
- 4) Serious threat to life, property, or the marine environment by hazardous materials.

Like Serious Marine Incidents, Major Marine Casualties involve compulsory drug and alcohol testing but they also require prompt reporting because they are subject to review by the National Transportation Safety Board for a decision on whether or not they need to get involved in the investigation.



“When in doubt, report”

## **SECTION 2. NOTICE OF HAZARDOUS CONDITION.**

### **What is a Hazardous Condition?**

**Reference: 33 CFR Subpart C**

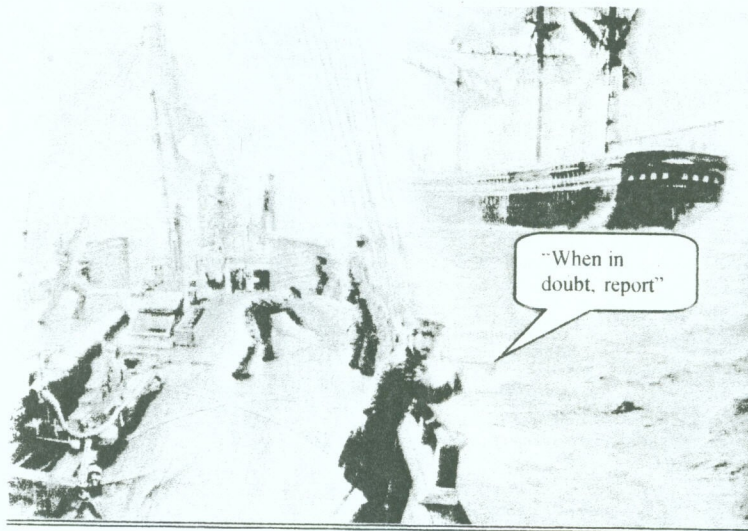
A "hazardous condition" is defined as meaning any condition that may adversely affect:

- 1) The safety of any vessel, bridge, structure, or shore area;
- 2) The environmental quality of any port, harbor, or navigable waterway of the United States. It may involve collision, allision, fire, explosion, grounding, leaking, damage injury or illness of a person aboard, or manning shortage.

### **To whom shall reports of "Hazardous Conditions" aboard vessels be made?**

**Reference: 33 CFR 160.215**

Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person-in-charge shall IMMEDIATELY notify the nearest Coast Guard Sector in the area where the hazardous condition exists. **For the Port of New York/New Jersey this notification should be made to the Sector Duty Officer at (718) 354-4353 or USCG Vessel Traffic Service at (718) 354-4088.** These numbers are staffed 24-hours a day, 7-days a week. Remember, compliance with this section does not relieve responsibility for the required written reports.



### **SECTION 3. NOTICE OF POTENTIAL VESSEL CASUALTY.**

#### **What is a Notice of Potential Vessel Casualty?**

**Reference: 46 CFR 4.04-1**

This applies to all vessels. A Notice of Potential Vessel Casualty shall IMMEDIATELY be made by a vessel owner, charterer, managing operator or agent if there is reason to believe a vessel is lost or imperiled. Reasons for belief that a vessel is in distress include, but are not limited to, lack of communication with or nonappearance of a vessel.

#### **To whom should a Notice of Potential Vessel Casualty be made to?**

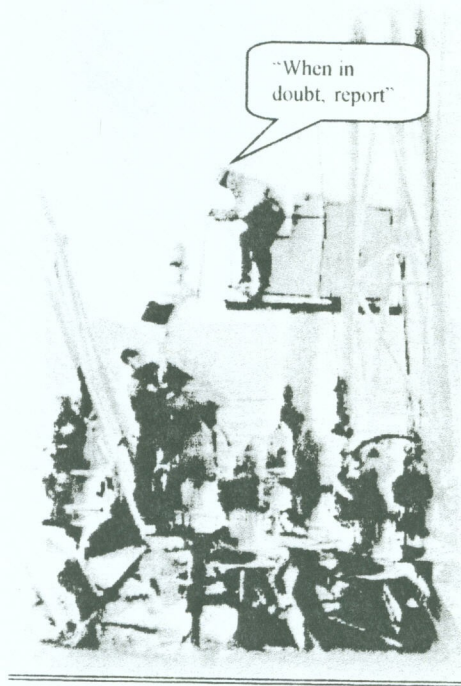
**Reference: 46 CFR 4.04-1**

This applies to all vessels. A Notice of Potential Vessel Casualty shall be made to either:

- 1) The U.S. Coast Guard District rescue coordination center (RCC) cognizant over the area the vessel was last operating in;
- 2) The U.S. Coast Guard search and rescue authority nearest to where the vessel was last operating. This may include a USCG Air Station, Group office, Activities or Small Boat Station.

**For the Port of New York/New Jersey this notification can be made via radio or to the Sector Command Duty Officer at (718) 354-4353 or USCG Vessel Traffic Service at (718) 354-4088—these numbers are staffed 24-hours a day 7-days a week.**



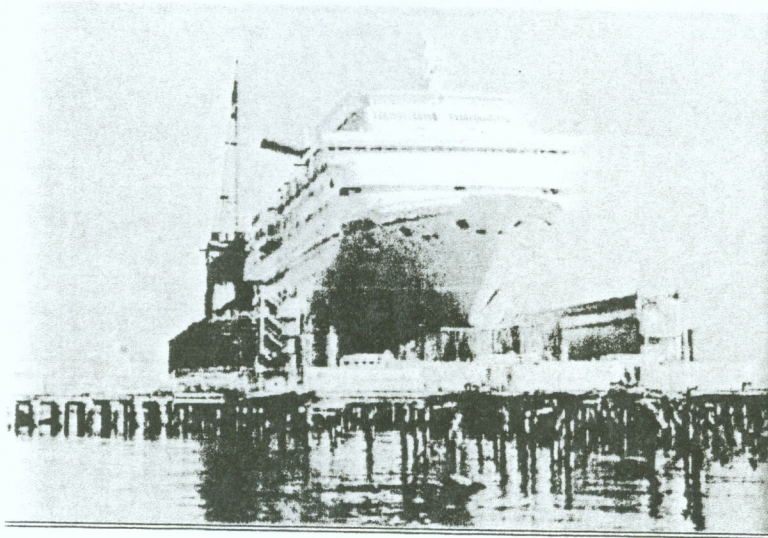


#### **SECTION 4. REPORT OF ACCIDENT TO AN AID TO NAVIGATION.**

**What report must be made if a vessel is involved in an accident with an Aid to Navigation?**  
**Reference: 46 CFR 4.05-20**

Whenever a vessel collides with a buoy, or other aid to navigation under the jurisdiction of the U.S. Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest U.S. Coast Guard Sector, or Small Boat Station. No report on Form CG-2692 is required unless a Reportable Marine Casualty occurs.

**For the Port of New York/New Jersey this notification can be made via radio or to the Sector Command Duty Officer at (718) 354-4353 or USCG Vessel Traffic Service at (718) 354-4088—these numbers are staffed 24-hours a day 7-days a week.**



*"WHEN IN DOUBT, REPORT"*

## **SECTION 5. REPORT OF ACCIDENTS, REPAIRS AND UNSAFE CONDITIONS**

**What kind of USCG notification is required, if any, prior to making repairs to boilers and pressure vessels?**

**References:**

- 46 CFR 35.25-5(a) - Tank Vessels
- 46 CFR 78.33-1 - Passenger Vessels
- 46 CFR 97.30-1 - Freight Vessels
- 46 CFR 176.812 - Small Passenger Vessels

Before making any repairs to boilers or unfired pressure vessels, the Chief Engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest the port where the repairs are to be made.\*

\* Does not apply to Vessels enrolled in the Alternate Compliance Program. Reports of this nature are to be made to the authorized ACP entity.

**Is a Chief Engineer or Master responsible for notifying the USCG if machinery becomes "unsafe" or requires repairs?**

**References:**

- 46 CFR 35.25-5(b) - Tank Vessels
- 46 CFR 78.33-5 - Passenger Vessels
- 46 CFR 97.30-5 - Freight Vessels
- 46 CFR 176.700 - Small Passenger Vessels

In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe, a report shall be made by the Chief Engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival in port.

For the New York - New Jersey region, these notifications should be made to USCG Sector New York Inspection Branch Deep Draft Section at (718) 354-4290, Small Passenger Vessel Section at (718) 354-4246 or after hours (718) 354-4353.

**Is USCG notification required when making minor repairs to lifesaving or firefighting**

**equipment?**

**References:**

- 46 CFR 78.33-10 - Passenger Vessels**
- 46 CFR 35.01-35 - Tank Vessels**
- 46 CFR 97.30-10 - Freight Vessels**
- 46 CFR 176.700 - Small Passenger Vessels**

YES. No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection, as soon as practicable.\*

\* Does not apply to Vessels enrolled in the Alternate Compliance Program. Reports of this nature are to be made to the authorized ACP entity.

**Is USCG notification required when preparing to make minor alterations or minor repairs become necessary?**

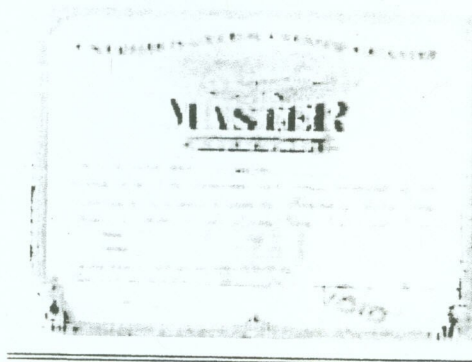
**References:**

- 46 CFR 30.01-10 - Tank Vessels**
- 46 CFR 91.45-1 - Freight Vessels**
- 46 CFR 176.700 - Small Passenger Vessels**

Yes, a notice is required to be made to the nearest USCG Officer in Charge, Marine Inspection whenever repairs or alterations are to be made to a vessel's hull, machinery or equipment. Drawings or alterations will need to be approved before work is started unless deemed unnecessary by the cognizant OCMI. Drawings will not be required for repairs in kind, which were previously approved. When major or minor alterations and repairs become necessary, such work shall be under the direction of the Officer in Charge, Marine Inspection.\*

For the New York - New Jersey region, the above notifications should be made to USCG Activities New York Inspection Branch Deep Draft Section at (718) 354-4290, Small Passenger Vessel Section (718) 354-4246 or after hours (718) 354-4088.

\* Does not apply to Vessels enrolled in the Alternate Compliance Program. Reports of this nature are to be made to the authorized ACP entity.



*"WHEN IN DOUBT, REPORT"*

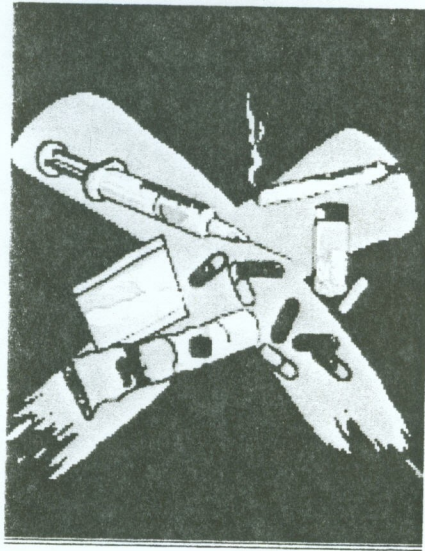
**SECTION 6. REPORT OF CREW SHORTAGE BECAUSE OF  
DESERTION OR MARINE CASUALTY.**

**Under what conditions may a vessel "sail short" and what reports need to be submitted to the U.S. Coast Guard?**

**References: 46 USC 8101 and 46 CFR 15.725**

When a vessel is deprived of the service of a member of its complement without the consent, fault, or collusion of the owner, charterer, managing operator, agent, master, or individual in charge of the vessel, the master shall engage, if obtainable, a number of those of whose services the master has been deprived. The replacements must be of the same or a higher grade or rating than those whose places they fill. If the master finds the vessel is sufficiently manned for the voyage, and replacements are not available to fill all the vacancies, the vessel may proceed on its voyage. Within 12 hours after the vessel arrives at its destination, the master shall report in writing to the U.S. Coast Guard Officer in Charge, Marine Inspection of each deficiency in the complement.

**For the New York - New Jersey area, this notification should be made to USCG Sector New York, Marine Investigations Branch at (718) 354-4230 during working hours. After hours, please call (718) 354-4353.**



*"WHEN IN DOUBT, REPORT"*

## **SECTION 7. REPORT OF DRUG AND ALCOHOL USE BY THE MASTER OF A VESSEL.**

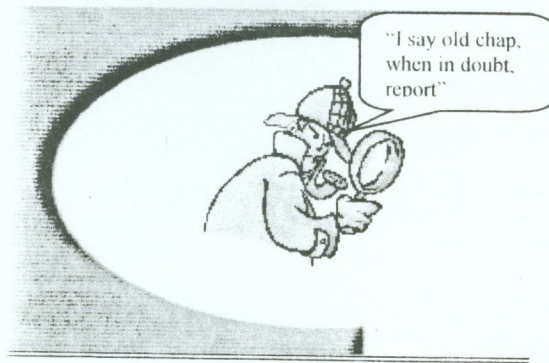
**What reporting requirements exist for reporting suspected drug or alcohol impairment of a Master of a vessel?**

**References: 46 USC 8101, 33 CFR Part 95 and Subpart C**

When the next two most senior licensed or documented officers on a vessel believe that the master or individual in charge of a vessel is under the influence of alcohol or a dangerous drug and is incapable of commanding the vessel, the next most senior master, mate, or operator shall;

- 1) Temporarily relieve the master or individual in charge;
- 2) Temporarily take command of the vessel;
- 3) In the case of a vessel required to have a log, immediately enter the details of the incident in the log; and
- 4) Report those details to the nearest U.S. Coast Guard Sector or Small Boat Station by the most expeditious means possible and in writing within 12 hours after the vessel arrives at its next port.

**For the Port of New York/New Jersey this notification can be made via radio or to the Sector Command Duty Officer at (718) 354-4353 or USCG Vessel Traffic Service at (718) 354-4088—these numbers are staffed 24-hours a day 7-days a week.**



## SECTION 8. SO NOW WHAT HAPPENS?

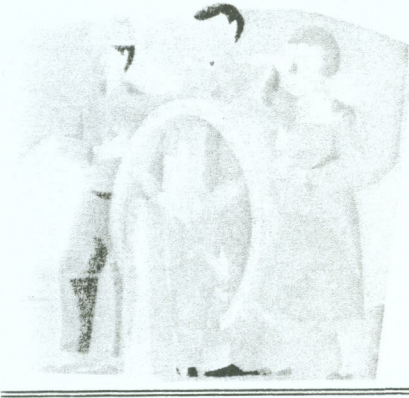
I've notified the Coast Guard that my vessel has been involved in a marine casualty. Now what? What does the Coast Guard do with all of this?

**Reference: 46 USC 6301**

According to internal agency policies and procedures and upon receipt of a report of a marine casualty a Coast Guard Marine Investigator will initiate a **preliminary investigation** into the incident. Sometimes these investigations stop at the notification level without further agency action because they may not have met the various regulatory or statutory reporting criteria. Occasionally, if an incident meets the reporting criteria but is minor in nature it may be assigned as a **data collection** case, whereby only the most pertinent details are gathered and entered into our database for study. Often, the casualty is classified as an **informal investigation** which may involve the collection of evidence and the interviewing of witnesses, the piecing together of casual analysis etc...

When a Marine Investigator initiates a case, he or she is trying to accomplish several things, including trying to ascertain the following:

- (1) the cause of the casualty, including the cause of any death;
- (2) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any individual licensed, certificated, or documented has contributed to the cause of the casualty, or to a death involved in the casualty, so that appropriate remedial action may be taken;
- (3) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any person, including an officer, employee, or member of the Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty;
- (4) whether there is evidence that an act subjecting the offender to a civil penalty under the laws of the United States has been committed, so that appropriate action may be undertaken to collect the penalty;
- (5) whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution; and
- (6) whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.



## SECTION 9. MANNING

**My vessel is an Uninspected Passenger Vessel. What are my manning requirements?**  
**References: 46 CFR 8903 and 46 CFR 15.605**

46 U.S.C. 8903, and 46 CFR 15.605 require each self-propelled uninspected passenger vessel to be under the ***direction and control*** of a licensed individual. Accordingly, if a water-skier, or para-sailor is towed for hire, the vessel is considered to be carrying passengers for hire, and the operator of the vessel must be licensed. Licensed masters, mates, or operators of uninspected passenger vessels (OUPV) may serve as person in charge of navigation.

**As an operator (OUPV) what are my workhour limitations, if any?**  
**Reference: 46 U.S.C. 8104, Title 46 CFR sections 15.705 & 15.710**

The aforementioned references do not provide specific guidance on Uninspected Passenger Vessel (UPV) watch limitations for vessels under 100 gross tons. That being said, however, a great deal of caution and prudence must be used. A UPV must be under the physical control or direct supervision of a licensed individual and if you anticipate your voyage being more than 12 hours then you are strongly encouraged to have at least two licensed individuals assigned to prevent fatigue. It has been suggested by some operators that a qualified seaman could be left at the helm while the licensed operator sleeps close by. This position is untenable. As noted above, 46 U.S.C. 8903 mandates the vessel be operated by a licensed individual. Accordingly, the Coast Guard does not have the discretion to allow any unlicensed seaman to control the vessel without supervision.

An adequate watch must be maintained at all times. If the OUPV has no relief and is too fatigued to stand an alert watch, then that individual would be negligent for failure to maintain an adequate watch. While there may be individuals who can routinely and safely perform work for periods in excess of 12 consecutive hours, the rigors of watchkeeping at sea greatly increase the likelihood of fatigue beyond such a period. Between 12 and 24 hours of operation, there is a gray area in which the OCMI must judge the prudence of the licensed operator's decision to sail without a second licensed individual, based on the specific circumstances. Charter fishing and dive vessels routinely operating more than 24 consecutive hours with only one licensed operator present a dangerous situation, raising significant issues of negligence on the part of the OUPV and owner for failure to provide an adequate watch.