

Coast Guard, DOT

§ 122.210

(7) An occurrence not meeting any of the above criteria but causing property damage in excess of \$25,000. This damage includes the cost of labor and material to restore the property to its condition before the occurrence, but does not include the cost of salvage, cleaning, gas freeing, drydocking, or demurrage.

(b) A vessel is excluded from the requirements of paragraphs (a)(5) and (a)(6) of this section with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of the Occupational Safety and Health Administration (OSHA) in 29 Code of Federal Regulations (CFR) part 1904.

(c) Notice given as required by §122.203 satisfies the requirement of this section if the marine casualty involves a hazardous condition.

§ 122.203 Notice of hazardous conditions.

Whenever there is a hazardous condition, as defined by §114.400 of this chapter, on board the vessel, the owner, master, agent, or person in charge shall immediately notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

§ 122.206 Written report of marine casualty.

(a) The owner, master, agent, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by §122.202. This written report must be delivered to a Coast Guard Marine Safety Office, or Marine Inspection Office. It 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).

(b) If filed without delay after the occurrence of the marine casualty, the

notice required by paragraph (a) of this section suffices as the notice required by §122.202.

§ 122.208 Accidents to machinery.

The owner, managing operator, or master shall report damage to a boiler, unfired pressure vessel, or machinery that renders further use of the item unsafe until repairs are made, to the OCMI at the port in which the casualty occurred or nearest the port of first arrival, as soon as practicable after the damage occurs.

§ 122.210 Alcohol or drug use by individuals directly involved in casualties.

(a) For each marine casualty required to be reported by §122.202, the owner, agent, master, or person in charge of the vessel shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The owner, agent, master, or person in charge of the vessel shall include in the written report (Form CG-2692), submitted for the casualty information which:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and

(2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry must be made in the Official Logbook, if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual must be informed of this entry and the entry must be witnessed by a second person.

(d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a Coast Guard commissioned, warrant, or petty officer, or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law, or by the owner, agent, master, or person in charge, this fact must be noted in the official Logbook, if carried, and in the written report (Form CG 2692), and will be admissible