

## Compliance

Michigan Charter Boat Association 03/01/2008  
<http://www.micharterboats.com/members/>  
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## Do you need a testing kit aboard your Charter vessel?

The USCG now requires that you and your crew take an approved alcohol test within two (2) hours if you're involved in a boating accident.

The MCBA Drug Screening Program has been dealing with the USCG Drug & Alcohol program on this issue. Do to the fact your association has established a network of testing sites all along our coasts on the Great Lakes where this can be accomplished the United States Coast Guard has taken the position that 99% of our members are within 2 hours of a facility and are not required to maintain testing kits onboard.

When is testing required? The United States Coast Guard has gone to great detail as to when this is required as follows.

### USCG 46 CFR Part 4 Subpart 4.03 - Definitions

#### 4.03 -1 Marine casualty or accident

(a) The term marine casualty or accident shall mean any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the United States, its territories or possessions or any casualty or accident wherever such casualty or accident may occur involving any United States vessel which is not a public vessel.

(b) 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, strandings, groundings, foundering, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect or impair the seaworthiness of the vessel.

(c) The term marine casualty or accident also includes occurrences of loss of life or injury to any person while diving from a vessel and using underwater breathing apparatus.

#### Subpart 4.06 - Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels In Commercial Service

(b) When a marine employer determines that a casualty or incident is, or is likely to become, a serious marine incident, the marine employer shall 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.

Subpart 4.06 -20 (e) Chemical tests of an individual's breath for the presence of alcohol using a breath testing device may be conducted by an individual trained to conduct such tests.

The determination of which individuals are directly involved in a serious marine incident is to be made by the marine employer. A law enforcement officer may determine that additional individuals are directly involved in the serious marine incident.

If you feel you're in that 1% and need to have a test kit, it's required that you have a kit for each crewmember and the captain. Kits are good for no longer then twelve months and some only ten, so replacement each season will be a requirement.

The majority of the MCBA membership is made up of owner operators. If they have been drinking who determines when to test? Who makes sure it was done correctly? Who documents

the information for the alcohol use? It's obvious that when applying a requirement of this nature to our segment of the industry it's almost impossible to enforce.

Your association is made up of charter boat operators, which provided a commercial platform in which to recreational fish from, don't drink or be intoxicated when on the boat! Our membership has the best safety record in the industry. If you know an operator who has a problem with alcohol assist them in seeking professional help, it helps us all.