



COMDTPUB P16700.4
NVIC 01-15
21 JULY 2015

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 01-15

Subj: TITLE 46, CODE OF FEDERAL REGULATIONS (CFR), PART 4 MARINE CASUALTY REPORTING PROCEDURES GUIDE WITH ASSOCIATED STANDARD INTERPRETATIONS

- Ref: (a) Title 46, United States Code (U.S.C.), Chapter 61 and 63
 (b) Title 46, Code of Federal Regulations (CFR), Part 4
 (c) Marine Safety Manual, Volume V, Investigations and Enforcement, COMDTINST M16000.10A
 (d) MISLE Incident & Enforcement Process Guide

1. PURPOSE. This circular provides guidance for the identification and reporting of marine casualties to promote compliance with references (a) and (b). Additionally, this circular will clarify terminology and phrases within the regulatory context, draw attention to helpful regulatory citations and provide concise policy interpretations to assist involved parties in the casualty reporting process. It is impossible to outline every scenario that may apply to this subject within the highly dynamic and complex maritime environment; however, this circular is intended to serve as a common framework of understanding for both Coast Guard and maritime industry personnel.

2. DISCLAIMER. This circular is not a substitute for applicable legal requirements, nor is itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's deliberations on this topic in an effort to assist all parties in applying proper statutory and regulatory requirements. This circular focused primarily upon 46 CFR Part 4 occurrences and is not intended to limit Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) discretion in applying other appropriate regulatory standards within their respective areas of responsibility.

3. ACTION.
- a. Area, District, Sector Commanders, and Commanding Officers of units conducting marine casualty investigations should utilize the contents of this circular when conducting preliminary investigations to determine whether a reportable marine casualty has occurred. Reference (c) provides further guidance on subsequent investigative

DISTRIBUTION – SDL No. 154

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	X	X	X											X								X				
C					X				X		X	X	X												X	X
D				X																						
E														X				X	X							
F																										
G																										
H					X																					

NON-STANDARD DISTRIBUTION:

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 01-15

efforts. Field commanders should thoroughly vet and update all local policies, Quick Response Checklists (QRCs), informational brochures, and unit websites that include items related to marine casualties used by Coast Guard Command Centers, other Coast Guard units, or maritime stakeholders to ensure they are consistent with the information contained in this circular. In addition, Sector Prevention personnel shall audit local QRCs annually to ensure compliance with current regulatory requirements and Coast Guard policies. Internet release authorized.

- b. Owners, operators, charterers, masters, persons-in-charge, marine employers, marine industry personnel, agents, merchant mariners, and all other reporting parties defined in reference (b) (hereafter referred to as responsible industry parties) may use this circular to facilitate compliance with marine casualty reporting requirements.

4. DIRECTIVES AFFECTED. None.

5. BACKGROUND.

- a. Historically, marine industry stakeholders have complied with the marine casualty reporting laws and regulations in references (a) and (b) and the Coast Guard has relied on reference (c) to interpret, carry out, and enforce those marine casualty reporting laws and regulations. Due to the complexity of the subject and inconsistent enforcement, the Coast Guard recognizes that additional guidance to clarify these requirements would benefit both Coast Guard field commanders and the marine industry. Such clarification furthers the Coast Guard's goal of providing consistent national guidance regarding marine casualty reporting to all stakeholders.
- b. Information and data collected during marine casualty investigations are used by a wide audience for many purposes, including the enforcement of laws, the enhancement of prevention activities (e.g., safety alerts and recommendations), the development of standards, and the support of safety studies. Given this importance, it is critical that casualty information be properly captured and documented. In addition, minor incidents may also provide valuable leading indicator and trend analysis information critical for an effective Prevention program.
- c. This circular provides additional guidance to standardize the collection and reporting of marine casualty data by clarifying existing regulations, policies, and procedures. Specifically, enclosure (1) assists responsible parties with the evaluation of occurrences that would constitute a reportable marine casualty or hazardous condition and subsequently require action by both the Coast Guard and maritime industry stakeholders. The Coast Guard should be notified of a hazardous condition under 33 CFR 160.216 for certain types of incidents that do not reach the threshold of a reportable marine casualty.

6. DISCUSSION. The purpose of marine casualty reporting is to assist the Coast Guard in responding to marine casualties and conducting timely investigations. Prompt reporting of marine casualties and hazardous conditions enables the Coast Guard to properly respond to incidents and assist parties in need. It also helps the Coast Guard to determine the contributing factors for each incident and use the lessons learned to promote the safety of life and property throughout the maritime domain.

7. COTP AND OCMI PROCEDURES. A "marine casualty or accident" as defined in 46 CFR 4.03-1 is broadly defined to capture a wide variety of occurrences. The statutes and regulations

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 01-15

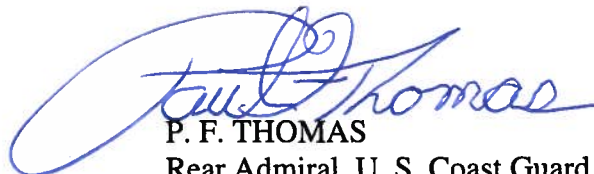
provide the Coast Guard the authority and jurisdiction to investigate a wide range of occurrences irrespective of reporting requirements. These occurrences include both commercial and recreational vessel activities. Required reporting for vessels are specifically defined in both 33 CFR Part 173 (state-registered vessels not subject to inspection) and 46 CFR Part 4 (US flagged vessels anywhere in the world and foreign-flagged vessels within US jurisdiction). COTPs and OCMI's shall use the following procedures when responding to all reports of potential or actual "marine casualties or accidents."

- a. **Notification Phase:** When Coast Guard Command Center watch standers or other Coast Guard personnel receive information regarding a potential "marine casualty or accident" (e.g., radio or cell phone call, third-party report, or written *Report of Marine Accident, Injury or Death* (CG-2692)), the receiving unit shall immediately pass the information to a qualified Coast Guard Investigating Officer (IO) for the Evaluation Phase at the appropriate Sector or Marine Safety Unit (MSU) office. The receiving unit shall document the notification in the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) data system in accordance with references (c) and (d). **At no time shall a written CG-2692 be requested unless the reported occurrence is determined by a qualified IO to be a reportable marine casualty.**
 - b. **Evaluation Phase:** Upon receiving a report of a potential "marine casualty or accident," the Coast Guard IO shall immediately commence an evaluation of the facts to determine whether the occurrence is a reportable marine casualty and whether further Coast Guard action is necessary. As appropriate, qualified marine inspectors should also be contacted and consulted to determine if vessel operational controls are necessary. In most cases, vessel operational control actions should not be based solely upon an initial marine casualty report. Vessel control actions should be determined after careful consideration by a qualified Prevention Officer who has conducted a risk assessment based upon the consideration of redundant equipment and/or equivalent levels of safety.
 - c. **Action Phase:**
 - (1) Upon determining that an occurrence is a reportable marine casualty or, by policy, requires further action, an Investigating Officer shall conduct an investigation per reference (c).
 - (2) Upon completing a preliminary investigation and determining an occurrence is either not a reportable marine casualty or meets Coast Guard policy exclusion for further action, no further investigative effort is required per reference (c). The IO shall ensure the MISLE preliminary investigation activity contains copies of all documents received relevant to the occurrence. If a non-reportable marine casualty is of investigative value to the Coast Guard and an investigation is conducted, an Incident Investigation Activity shall be opened in accordance with reference (c). However, IOs shall not request a CG-2692 when conducting an investigation of a non-reportable marine casualty.
8. **MARITIME INDUSTRY RESPONSIBILITIES.** Per reference (b), the owner, agent, master, operator, or person in charge (collectively referred to here as the "responsible industry party") must determine whether an occurrence meets the criteria for notifying the Coast Guard. Enclosure (1) provides assistance to responsible industry parties in making such a determination. If a responsible industry party determines an occurrence meets the

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 01-15

requirements for marine casualty notification, they should make every effort by any means available to immediately notify the nearest Coast Guard Command Center after addressing any resulting safety concerns per 46 CFR Subparts 4.04 and 4.05. All notifications must include, at a minimum, the information contained in 46 CFR 4.05-5. Additionally, per 46 CFR 4.05-10, a written marine casualty report (see paragraph 12 below for assistance in locating required CG-2692 forms) shall be submitted no later than 5 calendar days following a reportable marine casualty. If there is any doubt whether an occurrence is a reportable marine casualty, the Coast Guard **strongly** encourages responsible industry parties to contact the nearest OCMI (typically via the nearest Coast Guard Command Center) to determine an appropriate response. Per references (a) and (b), the Coast Guard retains the authority to investigate any "marine casualty or accident," regardless of whether a report was required by regulation. Additionally, responsible industry parties should familiarize themselves with any additional reporting requirements specified in subchapters in either 33 CFR (e.g., Outer Continental Shelf (OCS) activities) and/or 46 CFR relevant to their specific type of vessel.

9. **CHANGES.** This circular is available on the HOMEPORt Internet website at <http://homeport.uscg.mil> (select the Investigations link under the Missions tab on the left side of the page). The Coast Guard will issue and post time-sensitive amendments as an urgent change message on this website. Interested parties may suggest improvements to this circular by corresponding with the Office of Investigations & Casualty Analysis (CG-INV), using the address and phone number provided at the head of this circular. Additionally, CG-INV will continue to improve and update publicly available casualty data (e.g., CG-MIX) in addition to this guidance to ensure marine casualty reports and investigative data are readily accessible within the public domain.
10. **COAST GUARD MISSION MANAGEMENT SYSTEM (MMS) CONSIDERATIONS.** This circular does not change the Coast Guard's MMS procedures for Coast Guard Investigations (MPS-PR-INV-01). However, it does amplify process improvement guidance for the detection of incidents workflow contained within MMS.
11. **ENVIRONMENTAL IMPACT CONSIDERATIONS.** Environmental considerations were examined in the development of this circular and have been determined to be not applicable.
12. **FORMS/REPORTS.** Reportable marine casualty forms including Form CG-2692, *Report of Marine Casualty*; Form CG-2692A, *Barge Addendum*; and Form CG-2692B, *Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident* are available on the HOMEPORt Internet website at <http://homeport.uscg.mil> (select the Investigations link under Missions on the left).



P. F. THOMAS
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Prevention Policy

Encl: (1) Reportable Marine Casualties – Regulations and Interpretations

Reportable Marine Casualties Regulations and Interpretations

The regulations and amplifying information provided in the following table is intended to assist reporting parties to determine whether an occurrence is a reportable marine casualty and, if so, how to comply with the notification and reporting requirements outlined in 46 CFR Part 4. All bold, italicized, or otherwise highlighted text is to assist readers regarding this circular only and may not be contained within the original regulatory text. The left hand column contains an excerpt from the regulation being explained. The right hand column contains associated regulations, Coast Guard policy, and interpretations. **Note: Cited regulatory language is subject to revision and should be referenced in its current iteration.**

46 CFR 4.01-3: Reporting Exclusion	
Regulation Text	Associated Regulations, Coast Guard policy, and Interpretations
<p>(a) Vessels subject to 33 CFR 173 (Subpart C) are excluded from the casualty reporting requirements in 46 CFR 4.05.</p>	<p style="text-align: center;"><u><i>Associated Regulations</i></u></p> <p>33 CFR 173.51: Applicability</p> <p>(a) This subpart applies to each vessel operated on waters subject to the jurisdiction of the United States (see below) and on the high seas beyond the territorial seas for vessels owned in the United States that:</p> <ol style="list-style-type: none"> (1) Is used by its operator for recreational purposes; or (2) Is required to be numbered under this part. <p>(b) This subpart does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.</p> <p>33 CFR 2.38: Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction <i>Waters subject to the jurisdiction of the United States and waters over which the United States has jurisdiction mean the following waters —</i></p> <ol style="list-style-type: none"> (a) Navigable waters of the United States, as defined in § 2.36(a). (b) Waters, other than those under paragraph (a) of this section, that are located on lands for which the United States has acquired title or controls and— <ol style="list-style-type: none"> (1) Has accepted jurisdiction according to 40 U.S.C. 255; or (2) Has retained concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the Union. (c) Waters made subject to the jurisdiction of the United States by operation of the international agreements and statutes relating to the former Trust Territory of the Pacific Islands, and waters within the territories and possessions of the United States. <hr style="border-top: 1px dotted black;"/> <p style="text-align: center;"><u><i>Coast Guard Policy & Interpretations</i></u></p> <p>If a vessel is subject to 33 CFR 173 reporting (provided above), then a responsible party (in this instance, the responsible party may include recreational vessel operators) is NOT required to make immediate notification of a marine casualty to the Coast Guard, nor are they required to submit a CG-2692. However, accident reporting may be required by the state in which the vessel is registered (including accidents occurring on the high seas) or state waters on which the vessel is being</p>

	<p>operated. Some states also have memorandums of understanding (MOUs) with the Coast Guard or state laws that identify the Coast Guard as the lead for state registered commercial vessel accident investigations that occur on U.S. navigable waters. Although casualty reporting to the Coast Guard is not required for recreational vessels falling under the 33 CFR 173.51, the Coast Guard may still investigate any recreational vessel incident that meets the definition of a marine casualty, as defined in 46 CFR 4.03.</p> <p>It is also important to note, as expressly stated in 33CFR173.51(b), that state registered commercial vessels subject to inspection by the Coast Guard (e.g., inspected passenger vessels or towing vessels) are required to make immediate marine casualty notifications to the Coast Guard and to submit CG-2692 reports if the marine casualty meets the thresholds detailed in 46 CFR 4.05. By policy, any incident involving a commercial vessel can be investigated by the Coast Guard to ensure all potential federal issues are addressed. If the Coast Guard becomes aware of a marine casualty involving a state registered commercial vessel that meets the level of a reportable marine casualty defined in 46 CFR 4.05-1, an investigation shall be conducted under 46 CFR Subpart 4.07.</p>
<p>(b) Vessels which report diving accidents under 46 CFR 197.484 regarding deaths or injuries, which cause incapacitation for greater than 72 hours, are not required to give notice under 4.05-1(a)(5) or 4.05-1(a)(6).</p>	<p style="text-align: center;"><u><i>Associated Regulations</i></u></p> <p>46 CFR 197.202: Applicability.</p> <p>(a) This subpart applies to commercial diving operations taking place at any deepwater port or the safety zone thereof as defined in 33 CFR part 150; from any artificial island, installation, or other device on the Outer Continental Shelf and the waters adjacent thereto as defined in 33 CFR part 147 or otherwise related to activities on the Outer Continental Shelf; and from all vessels required to have a certificate of inspection issued by the Coast Guard including mobile offshore drilling units regardless of their geographic location, or from any vessel connected with a deepwater port or within the deepwater port safety zone, or from any vessel engaged in activities related to the Outer Continental Shelf; except that this subpart does not apply to any diving operation—</p> <ol style="list-style-type: none"> (1) Performed solely for marine scientific research and development purposes by educational institutions; (2) Performed solely for research and development for the advancement of diving equipment and technology; or (3) Performed solely for search and rescue or related public safety purposes by or under the control of a governmental agency. <p>46 CFR 197.484: Notice of casualty</p> <p>(a) In addition to the requirements of subpart 4.05 of this chapter and 33 CFR 146.30, the person-in-charge shall notify the Officer-in-Charge, Marine Inspection, as soon as possible after a diving casualty occurs, if the casualty involves any of the following:</p> <ol style="list-style-type: none"> (1) Loss of life. (2) Diving-related injury to any person causing incapacitation for more than 72 hours. (3) Diving-related injury to any person requiring hospitalization for more than 24 hours. <p>(b) The notice required by this section must contain the following:</p> <ol style="list-style-type: none"> (1) Name and official number (if applicable) of the vessel or facility. (2) Name of the owner or agent of the vessel or facility. (3) Name of the person-in-charge. (4) Name of the diving supervisor. (5) Description of the casualty including presumed cause. (6) Nature and extent of the injury to persons.

	<p>(c) The notice required by this section is not required if the written report required by §197.486 is submitted within 5 days of the casualty.</p> <hr/> <p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Diving accidents under 46 CFR 197.484 (applicability provided above) – applies to accidents that occur during a commercial diving operation in which the diver(s) are engaged in underwater work for hire. This regulation (46 CFR 197) does not pertain to accidents that occur during sport, commercial fishing activities, or recreational diving or the instruction thereof.</p> <p>Notice under 4.05-1(a)(5) or 4.05-1(a)(6) is not required for diving occurrences that only involve death and/or injury that require professional medical treatment beyond first aid and, if applicable, that render a diver engaged or employed onboard a vessel in commercial service unfit to perform his or her routine duties. However, if an occurrence meets any of the other criteria in 46 CFR 4.05-1(a) (e.g., equipment damage in excess of \$25,000), then the notification and CG-2692 submission requirements of 46 CFR Subpart 4.05 also apply.</p> <p>Written report required by §197.486 – For the person-in-charge of a vessel the written report required to be submitted per 46 CFR 197.486 shall be on form CG-2692 within 5 days of the casualty. Submitting the written report under 46 CFR 197.486 also fulfills the written casualty report requirement in 46 CFR 4.05-10. It is important to note that filing a CG-2692 does not relieve the person in charge from the burden to also report the diving death or injury to the Coast Guard as soon as possible as detailed in 46 CFR 197.484(a).</p>
<p>(c) Vessels are excluded from the requirements of 4.05-1(a)(5) and (a)(6) 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 Occupational Safety & Health Administration (OSHA) under 29 CFR 1904.</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>OSHA reporting requirements under 29 CFR 1904 may be accessed at www.ecfr.gov by searching for this specific regulatory cite.</p> <hr/> <p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Requirements of 4.05-1(a)(5) or 4.05-1(a)(6) – this exclusion applies to occurrences that only involve death and/or injury that requires professional medical treatment beyond first aid and, if applicable, that renders a person engaged onboard a vessel in commercial service unfit to perform his or her duties. If an occurrence also meets any of the other criteria in 46 CFR 4.05-1(a), then the requirements of 46 CFR Subpart 4.05-1 (reporting) also apply.</p> <p>Shipyard or harbor workers – For the purposes of this Circular, a shipyard worker is a person whose employment takes place in or around the shipyard and a harbor worker is a person whose employment takes place in or around the harbor. Both shipyard and harbor workers are engaged in direct maritime activities. Shipyard and/or harbor workers include ship repairmen, shipbuilders and ship breakers, but do not include clerical workers or workers in harbor side retail or restaurant establishments.</p> <p>Stevedores and longshoremen – As defined in Federal statutes and regulations, stevedores and longshoremen are not shipyard or harbor workers. However, for the purposes of applying this exclusion, the Coast Guard will consider incidents involving the death or injury of a stevedore or longshoremen when such incidents are not the result of either a vessel casualty (e.g., collision with a dock) or a vessel equipment casualty (e.g., cargo boom failure) as equivalent to one involving a shipyard or harbor worker and excluded from the requirements of 46 CFR §4.05-1(a)(5) and (a)(6). This determination is based on OSHA’s enforcement of its</p>

	<p>reporting requirements upon stevedoring companies as established in its 2010 Directive CPL 02-01-047, as well as in consideration of the 1983 Memorandum of Understanding (MOU) between OSHA and the USCG.</p> <p>Interagency coordination – It is imperative that Coast Guard investigators work closely with their OSHA counterparts to support investigations of shipyard and harbor worker deaths and injuries that fall under this casualty reporting exclusion.</p>
<p>(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>46 CFR 4.03-40: Public vessels means a vessel –</p> <ul style="list-style-type: none"> (a) Is owned, or demise chartered, and operated by the U.S. Government or a government of a foreign country, except a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department (except a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation); and (b) Is not engaged in commercial service. <p style="text-align: center;">.....</p> <p style="text-align: center;"><u>Coast Guard Policy & Interpretation</u></p> <p>Public vessels – defined in 46 CFR 4.03-40 (provided above). This exclusion does NOT include vessels owned, demise chartered, or operated by state, city, or other local governments. Therefore, those vessels are required to comply with references (a) and (b) and the casualty reporting requirements outlined in this circular.</p>

46 CFR 4.03-1: Marine Casualty or Accident (Definition)

Regulation Text	Associated Regulation(s) and Interpretation(s)
<p style="text-align: center;"><u><i>Definition</i></u></p> <p>Marine casualty or accident means –</p> <p>(a) Any casualty or accident involving any vessel other than a public vessel that –</p> <p>(1) Occurs upon the navigable waters of the United States, its territories or possessions;</p> <p>(2) Involves any United States vessel wherever such casualty or accident occurs, or</p> <p>(3) With respect to a foreign tank vessel operating in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ), involves significant harm to the environment or material damage affecting the seaworthiness or efficiency of the vessel.</p> <p>(b) The term “marine casualty or accident” applies to events caused by or involving a vessel and includes, but is not limited to, the following:</p> <p>(1) Any fall overboard, injury, or loss of life of any person.</p> <p>(2) Any occurrence involving a vessel that results in –</p> <p>(i) Grounding;</p> <p>(ii) Stranding;</p> <p>(iii) Foundering;</p> <p>(iv) Flooding;</p> <p>(v) Collision;</p> <p>(vi) Allision;</p> <p>(vii) Explosion;</p> <p>(viii) Fire;</p> <p>(ix) Reduction or loss of a vessel’s electrical power, propulsion, or steering capabilities;</p> <p>(x) Failures or occurrences, regardless of cause, which impair any aspect</p>	<p style="text-align: center;"><u><i>Associated Regulations</i></u></p> <p>33 CFR 2.36: Navigable waters of the United States, navigable waters, and territorial waters –</p> <p>(a) Except as provided in paragraph (b) of this section, navigable waters of the United States, navigable waters, and territorial waters mean, except where Congress has designated them not to be navigable waters of the United States:</p> <p>(1) Territorial seas of the United States;</p> <p>(2) Internal waters of the United States that are subject to tidal influence; and</p> <p>(3) Internal waters of the United States not subject to tidal influence that:</p> <p>(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or</p> <p>(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce.</p> <p>(b) Navigable waters of the United States and navigable waters, as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:</p> <p>(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and</p> <p>(2) Other waters over which the Federal Government may exercise Constitutional authority.</p> <p>33 CFR 2.22: Territorial Sea</p> <p>(a) With respect to the United States, the following apply—</p> <p>(1) <i>Territorial sea</i> means the waters, 12 nautical miles wide, adjacent to the coast of the United States and seaward of the territorial sea baseline, for—</p> <p>(i) Statutes included within subtitle II and subtitle VI, title 46, U.S.C.; the Ports and Waterways Safety Act, as amended (33 U.S.C. 1221-1232); the Act of June 15, 1917, as amended (50 U.S.C. 191-195); and the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208), and any regulations issued under the authority of these statutes.</p> <hr style="border-top: 1px dotted black;"/> <p style="text-align: center;"><u><i>Coast Guard Policy & Interpretations</i></u></p> <p>Marine casualty or accident – Some incidents defined as a “Marine casualty or accident” per 46 CFR 4.03-1 will not meet the criteria in 46 CFR §4.05-1(a) requiring initial reporting and CG-2692 submissions to the Coast Guard. However, owners, agents, masters, operators, or persons in charge need to consider whether notification to the Coast Guard is still required under other regulations, including 33 CFR §160.216 for the reporting of a hazardous condition. Examples of marine casualties that do meet the 46 CFR 4.05-1 reportable threshold, but that should be reported as a hazardous conditions are included below:</p>

<p>of a vessel’s operation, components, or cargo;</p> <p>(xi) Any other circumstance that might affect or impair a vessel’s seaworthiness, efficiency, or fitness for service or route; or</p> <p>(xii) Any incident involving significant harm to the environment.</p>	<p>Falls overboard that do not result in injury or death – Every unintentional fall or intentional unauthorized fall (i.e., rail jumping) overboard by a person (e.g., crew member, passenger, visitor, contractor) from a vessel included in section (a) of this regulation is a marine casualty. Falls overboard that result in a reportable injury or death require immediate notifications and written CG-2692 reports under 46 CFR 4.05-1. Unintentional or intentional unauthorized falls overboard that create a hazard (e.g., a vessel has to turnaround in a congested waterway to recover an individual or the individual in the water narrowly misses being struck by other vessel traffic) but do not meet the casualty reporting criteria in 46 CFR 4.05-1 should still be immediately reported to the nearest Coast Guard Sector Command Center (preferably via VHF radio or mobile telephone) as a hazardous condition under 33 CFR 160.216. Calls made to the Coast Guard to initiate search and rescue efforts after a fall overboard satisfy the hazardous condition notification requirement.</p> <p>Parasailing towline failures that do not result in a reportable injury or death – Every parasailing towline that parts with riders aloft being towed by a commercial vessel that does not result in a reportable marine casualty as outlined in 46 CFR 4.05-1 is considered to be a hazardous condition under 33 CFR 160.216. These incidents should be reported to the nearest Coast Guard Sector Command Center (preferably via VHF radio or cell phone).</p> <p>“Bump and Go” Groundings – The Coast Guard will not consider an unintended grounding to be a reportable marine casualty under 46 CFR Part 4.05 if the grounding can be classified as a “bump and go.” “Bump and go” groundings are occurrences where the involved vessel master or licensed mate on watch attests that the grounding (including grounded barges under the control of a towing vessel) was only momentary (e.g., reversing engines frees the grounded vessel on the first attempt, no assist vessel is needed to free the vessel, all towing connections remain intact) and that the grounding did not result in any other marine casualty criteria being met as defined in 46 CFR Part 4.05-1(a)(3) through (8). Initial notifications of “bump and go” groundings must still be made to the appropriate Coast Guard Command Center as a hazardous condition per 33 CFR Part 160.216. A Coast Guard Prevention Officer shall review each reported “bump and go” grounding in order to confirm that it meets the criteria to be excluded from the grounding casualty reporting requirements under 46 CFR 4.05. The Coast Guard response to a claim of a “bump and go” grounding is at the discretion of the cognizant OCMI/COTP; however, a Coast Guard investigation and associated MISLE activity for a reportable marine casualty should not be completed if the OCMI/COTP confirms the incident as a “bump and go.” A field unit that completes an optional investigation on a confirmed “bump and go” grounding should document the activity as a non-reportable casualty in MISLE with no associated CG-2692.</p>
<p>(3) Any occurrence of injury or loss of life to any person while diving from a vessel and using underwater breathing apparatus.</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Recreational diving deaths and injuries that involve dives commencing from a commercial vessel on the navigable waters of the United States are marine casualties subject to Coast Guard investigation.</p> <p>An underwater breathing apparatus is considered to be any contrivance that allows a person to breathe underwater including, but not limited to the following: snorkels, SNUBA (Surface Nexus Underwater Breathing Apparatus), SCUBA (Self-Contained Underwater Breathing Apparatus), surface supplied air and re-breather devices.</p>

46 CFR 4.05-1: Notice of Marine Casualty

Regulation Text	Associated Regulation(s) and Interpretation(s)
<p>(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office or any Coast Guard Office whenever a vessel is involved in a marine casualty consisting of -</p>	<p style="text-align: center;"><u><i>Coast Guard Policy & Interpretations</i></u></p> <p>Immediately – Means as soon as reasonably practicable without delay. Prompt notification is essential to ensure the timely and proper Coast Guard and maritime stakeholder responses to marine casualties. Each reported occurrence shall be evaluated by a designated Coast Guard Investigating Officer (IO). The Coast Guard should consider delays in reporting caused by the need to address resultant safety concerns, such as responding to an emergency situation, to be valid. However, the responsible parties involved in a marine casualty must make all efforts to notify the Coast Guard quickly. All notifications to the Coast Guard shall include the information detailed in 46 CFR Part 4.05-5.</p> <p>Examples of potential non-compliance with immediate notification include:</p> <ul style="list-style-type: none"> • A crew member on a passenger vessel slips and breaks an arm during an excursion. The master fails to report the incident until completing a 40-minute transit back to port. When the Coast Guard IOs arrive on scene several witnesses have departed the vessel, impeding the ability to conduct an investigation. • A tank vessel loses all propulsion after switching to low sulfur fuel upon entering a North American Emission Control Area. The vessel’s engineers are able to troubleshoot the problem at sea and the vessel proceeds to its berth. The master of the vessel delays reporting the incident to the Coast Guard until the vessel is safely moored at the dock. <p>Notify – It is preferred that the notification be made to the Command Center of the Coast Guard Sector in whose area of responsibility the marine casualty occurs; however, Vessel Traffic Services or District Command Centers are also considered appropriate alternatives. Contact information for Coast Guard Sectors can be found in the Port Directory on the Coast Guard’s Homeport website: https://homeport.uscg.mil.</p> <p>If the incident occurs outside of navigable waters of the U.S. but notification is required by 46 CFR Part 4 (e.g., U.S. flagged vessels or foreign-flagged tank vessels in the U.S. Exclusive Economic Zone (see below)), the notification should be made to the Coast Guard unit that is geographically closest to the incident location or that has responsibility for marine safety in the vessel’s next U.S. port of call.</p> <p>33 CFR 2.30 – Exclusive Economic Zone</p> <p>(a) With respect to the United States, including the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands, and any other territory or possession over which the United States exercises sovereignty, <i>exclusive economic zone</i> means the zone seaward of and adjacent to the territorial sea, as defined in § 2.22(a), including the contiguous zone, and extending 200 nautical miles from the territorial sea baseline (except where otherwise limited by treaty or other agreement recognized by the United States) in which the United States has the sovereign rights and jurisdiction and all nations have the high seas freedoms mentioned in Presidential Proclamation 5030 of March 10, 1983.</p>

Distress Calls – A Coast Guard acknowledged phone or marine radio call for Coast Guard assistance meets the requirement to immediately notify. Use of a marine radio or mobile telephone is often the most efficient and effective means of notification. As discussed later in this enclosure, 33 CFR 160.216 “hazardous condition” reports also satisfy the immediate notification requirement for marine casualties but not the CG-2692 requirement (written report). Direct calls or e-mails to a marine investigator or inspector **should be avoided** for notification purposes as attempts to notify these personnel directly might bypass a Coast Guard command center and result in an unintentional delay.

Vessel is involved – Interpreted as associated with a casualty including instances where a vessel is simply the platform from which an activity associated with the casualty was undertaken, such as diving, snorkeling, swimming, or parasailing. Vessel-specific operations need not play a part in the casualty and the vessel is not required to be a direct causal link to the casualty (e.g., personnel casualty occurring during recreational diving from a vessel, a mariner dies of natural causes onboard a vessel or a passenger is injured on a cruise ship). This category includes occurrences involving a vessel’s brow, gangway, boarding ladders, and mooring lines. It does not extend to the pier structure unless a vessel occurrence causes an issue to/on the pier.

Includes all **foreign-flagged** commercial vessels that experience a “marine casualty or accident” as defined in 46 CFR 4.03-1 while operating upon U.S. navigable waters (e.g, the territorial sea out to 12 nautical miles from the U.S. baseline). Incidents that meet the requirements found 46 CFR Part 4.05-1 must be reported to the Coast Guard both immediately and with follow-on CG-2692s submissions. Incidents that occur beyond the territorial sea (i.e., more than 12 nautical miles from the baseline) on vessels that are bound for a U.S. port may require a notification to the Coast Guard in accordance with 33 CFR 160.216 - Notice of Hazardous Conditions. Additional incident reporting requirements in 46 CFR 4.05-2 apply to foreign tank vessels operating within the U.S. EEZ.

.....
Associated Regulations

33 CFR Part 161 – Vessel Traffic Management

Subpart A – Vessel Traffic Services:

33 CFR 161.12: Vessel Operating Requirements

- (d) As soon as practicable, a VTS User shall notify the VTS of any of the following:
 - (1) A marine casualty as defined in 46 CFR 4.05-1,
 - (2) Involvement in the ramming of a fixed or floating object,
 - (3) A pollution incident as defined in 33 CFR 164,
 - (4) A defect or discrepancy in any aid to navigation,
 - (5) A hazardous condition as defined in 33 CFR 160.202 of this chapter,
 - (6) Improper operation of vessel equipment required by Part 164 of this chapter,
 - (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48,
 - (8) A hazardous vessel operating condition as defined in 33 CR 161.2.

33 CFR Part 164 – Navigation Safety Rules: 33 CFR 164.53

Deviations from rules and reporting: Non-operating equipment.

- (b) If the vessel’s Automatic Identification System (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the nearest Vessel Traffic Center, as soon as possible.

	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Minimum reporting requirements for Compulsory State Pilots – The marine casualty reporting requirements under 46 CFR Part 4.05 do not apply to state-licensed, Compulsory State Pilots.</p> <p>However, Compulsory State Pilots who serve as a “person directing the movement of a vessel” (PDMV) for vessels 1,600 gross tons or greater, must report or cause to be reported any non-operating vessel navigation equipment, per 33 CFR 164.53, as soon as practicable while operating on the navigable waters of the United States (with the exception of the St. Lawrence Seaway). Compulsory State Pilots are not required to conduct a detailed inspection or investigation of a ship’s navigation equipment to determine if the equipment is properly installed and fully operational. However, Pilots shall report, or cause to be reported, non-operating navigation equipment discovered during the normal course of their duties.</p> <p>In addition, Compulsory State Pilots who serve as a PDMV in a Vessel Traffic Service (VTS) Area must report, or cause to be reported, all occurrences listed in 33 CFR 161.12(d) to the Coast Guard VTS (this includes the instance of any marine casualty as defined in 46 CFR 4.05-1). However, there is no requirement in these instances for Pilots to follow-up the initial notification with a written CG-2692.</p> <p>Coast Guard field commands are encouraged to work with their local Pilot Associations to mutually expand the list of immediate notifications regarding certain events or conditions that are of significant local concern. Any local reporting criteria developed in addition to federal requirements would be voluntary and not subject to Coast Guard enforcement actions.</p>
<p>(1) An unintended grounding, or an unintended strike of (allision with) a bridge;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Unintended Grounding – Interpreted as any situation where the vessel is unintentionally brought or placed on the ground, historically identified as being “ground” beneath the water line (e.g., sea floor, riverbed, silt, or rocks) except in circumstances where the grounding can be classified as a “bump and go” grounding.</p> <p>“Bump and Go” Groundings – The Coast Guard will not consider an unintended grounding to be a reportable marine casualty under 46 CFR Part 4.05, if the grounding can be classified as a “bump and go.” “Bump and go” groundings are occurrences where the involved vessel master or licensed mate on watch attests that the grounding (including grounded barges under the control of a towing vessel) was only momentary (e.g., reversing engines frees the grounded vessel on the first attempt, no assist vessel is needed to free the vessel, all towing connections remain intact) and that the grounding did not result in any other marine casualty criteria being met as defined in 46 CFR Part 4.05-1(a)(3) through (8). Initial notifications of “bump and go” groundings must still be made to the appropriate Coast Guard Command Center as a hazardous condition per 33 CFR Part 160.216. A Coast Guard Prevention Officer shall review each reported “bump and go” grounding in order to confirm that it meets the criteria to be excluded from the grounding casualty reporting requirements under 46 CFR 4.05. The Coast Guard response to a claim of a “bump and go” grounding is at the discretion of the cognizant OCMI/COTP; however, a Coast Guard investigation and associated MISLE activity for a reportable marine casualty should not be completed if the OCMI/COTP confirms the incident as a “bump and go.” A field unit that completes an optional investigation on a confirmed “bump and go” grounding should document the activity as a non-reportable casualty in MISLE with no associated CG-2692.</p>

	<p>Unintended strike (allision) – defined as contact with an affixed or stationary object (vice ground) under or above the water line. Contrast the definition of “allision” with the term “collision,” which is contact between two or more moving vessels/objects. It does not matter whether the unintended strike (allision) resulted in any damage, pollution, or injuries, because a strike (allision) with a bridge is in itself a reportable marine casualty.</p> <p>Bridge – Defined as a structure erected across navigable waters of the United States. Bridges include all integral elements of the overall structure, approaches, and appurtenances, regardless of the materials used, whether natural or manufactured, or the construction methods. This definition includes, but is not limited to: highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways, conveyors, gauging cables, and similar structures of like function. This includes, but is not limited to, fendering systems and structures used to maintain or operate the bridge.</p>
<p>(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraph (a)(3) through (8);</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Intended Grounding – A grounding is considered “intended” if it is a controlled, intentional maneuver to, among other things, hold position to adjust cargo, offload passengers, and/or hold position to allow other traffic to safely transit.</p> <p>Intended strike of bridge– A strike (lay-up or landing) of a bridge is considered “intended” if it is a controlled, intentional maneuver to, among other things, assist, guide or walk a vessel through the bridge or hold position using the bridge or its protective fendering system. Due to the potential of compromising the integrity of the bridge or its protective systems, all intended strikes (allisions) that cause any damage, however minimal, shall be reported to the local USCG Sector Command Center as a hazardous condition under 33 CFR 160.216. However, these incidents do not require a written CG-2692 or require MISLE entries unless they create a hazard to navigation, the environment, or the safety of a vessel, or meet other casualty reporting criteria under 46 CFR 4.05-1(a)(3)-(8).</p>
<p>(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Loss – Interpreted as an occurrence where an applicable system or component <u>unexpectedly</u> fails, shuts down, or is otherwise rendered unable to perform its specified function, no matter its duration, even if momentary. It also includes any situation where an applicable system or component is <u>required</u> to be intentionally shut down as a casualty control measure. The unavailability of an applicable system or component due to scheduled, preventative maintenance is <u>not</u> considered a loss of that system or component, as it is a planned, intentional act and not based on an unexpected occurrence. Additionally, taking engines out of operation that are otherwise fully operational for fuel cost savings purposes is <u>not</u> considered a loss under this criteria.</p> <p>Main propulsion, primary steering, or any associated component or control system – Includes main propulsion equipment (propeller, jets, prime mover, reduction gear, or any other mechanical equipment required to make any portion of main propulsion operate), primary steering equipment (electronics, rudders, pods, pumps, hydraulics, etc.), and associated components and control systems (helm controls, engine room controls, etc.). Bow and stern thrusters or dynamic positioning equipment should be evaluated on a vessel-specific basis, paying special attention to whether this equipment is integral to safe vessel maneuverability. If thrusters are considered essential to vessel operations per flag/class operating parameters (e.g., dynamic position systems), failure of these systems that reduces maneuverability of the vessel is a reportable casualty. Redundancies that perform as designed may eliminate the need to report the casualty if the vessel does not experience a loss in maneuverability as defined in the next paragraph.</p>

	<p>Reduces the maneuverability of the vessel – Interpreted as an occurrence that renders a vessel incapable of maintaining safe speed and steerage for the prevailing or anticipated conditions (e.g., weather, other vessel traffic, tidal influences) and/or adversely impacts specific vessel operations (e.g., mooring, towing, anchoring, and dynamic positioning).</p>
<p>(4) An occurrence materially and adversely affecting the vessel’s seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, life saving equipment, auxiliary power-generating equipment, or bilge-pumping systems;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Materially and adversely – A physical condition of the vessel or its associated equipment at a given point and time that requires remedial actions to circumvent, work around, or adapt operations as a result of an occurrence are considered to meet this condition.</p> <p>Seaworthiness – Defined as the condition of being properly equipped, sufficiently constructed, and watertight in order to withstand stress of the wind, waves, and other environmental conditions that the vessel might reasonably be expected to encounter.</p> <p>Fitness for service or route – Defined as the condition of the vessel and its equipment being such that it meets or exceeds minimum safety standards and is safe and reliable to operate in one or more particular types of service and in the locations in which it will be used. For vessels subject to inspection under 46 U.S.C. Chapter 33, fitness for service and route are directly related to the “Route Permitted and Conditions of Operation” provided by the vessel’s Certificate of Inspection (COI). Should an occurrence result in the material condition on the vessel becoming such that it requires the temporary or permanent reduction or restriction in the vessel’s operating parameters or route as compared to what it is permitted in its COI, then the occurrence is considered to have met this criterion. For foreign vessels the criterion is considered met if the occurrence requires the temporary or permanent reduction or restriction in the vessel’s operating parameters or route as a condition of classification or flag State requirement.</p>
<p>(5) A loss of life;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Loss of life – A life is considered lost when the person is known to be deceased (the body has been recovered), the person has been categorized as “presumed lost/dead” by agencies leading search and rescue efforts, or the known circumstances of the occurrence make recovery of the person alive unlikely. <u>All losses of life (e.g., fatal heart attacks, suicides, and murders), regardless of apparent cause, fall under this criteria.</u></p>
<p>(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;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Injury – Interpreted as damage or harm caused to the structure or function of the body as a result of an outside physical agent or force to a passenger, crewmember, or non-crewmember. This includes injuries that occur due to criminal or intentional acts (e.g., assaults, fights, self-inflicted wounds) by crew members or passengers. However, Coast Guard Investigating Officers should limit the scope of their marine casualty investigation to the preliminary level and notify the appropriate State or Federal Law Enforcement agencies for injuries stemming from criminal or intentional acts. For the purposes of this Circular, the Coast Guard considers injuries and illnesses, as defined by the Occupational Safety and Health Administration (OSHA) in 29 CFR 1904.46, as separate types of occurrences. As such, pain or sickness caused strictly by an illness, including but not limited to communicable illnesses (e.g., colds and flu), allergic reactions (e.g., food allergies, insect and jelly fish stings), food poisoning, heart attack, stroke, or other pre-existing medical condition,</p>

is not considered an injury and does not fall within the definition of this regulation. However, a physical injury that requires medical treatment beyond first aid incurred due to an illness (e.g., a passenger on a ferry faints due to dehydration and breaks his or her arm) does fall within the definition of this regulation.

Professional medical treatment (treatment beyond first aid) – For the purposes of this Circular, the Coast Guard uses the definitions of “medical treatment” and “first aid” as defined by OSHA in 29 CFR 1904.7(b)(5)(i) through (iii) as well as the explanation regarding medical treatment provided in subsections (iv) and (v) of 29 CFR 1904.7(b)(5).

Specifically, “Medical treatment” means the management and care of a patient to combat the injury. Medical treatment does not include the following:

- (a) Visits to a physician or other licensed health care professional solely for observation or counseling;
- (b) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or
- (c) “First aid.”

“First aid” means the following:

- (a) Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
- (b) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
- (c) Cleaning, flushing or soaking wounds on the surface of the skin;
- (d) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);
- (e) Using hot or cold therapy;
- (f) Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
- (g) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);
- (h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
- (i) Using eye patches;
- (j) Removing foreign bodies from the eye using only irrigation or a cotton swab;
- (k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
- (l) Using finger guards;
- (m) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
- (n) Drinking fluids for relief of heat stress.

Engaged or employed on board a vessel – For the purposes of this Circular, this includes individuals who are on board a vessel to carry out work associated with shipboard operations, cargo operations, or maintenance. Persons in addition to the vessel’s crew, includes, but is not limited to pilots, accommodation and hospitality staff, “temporary workers” such as visiting technicians, riding crews, contractors, divers, personnel in support of commercial diving operations, and persons supporting Outer Continental Shelf activities.

	<p>Commercial service – defined in 46 U.S.C. 2101(5) and includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.</p> <p>Unfit to perform his or her routine duties – For the purposes of this Circular, this includes injuries that prevent a crew member from performing his or her normally assigned duties (e.g., navigation or engineering watches, routine maintenance, cargo handling).</p> <p>There may be instances when a party responsible for reporting a marine casualty becomes aware of a reportable marine injury or a death after the casualty reporting timelines in 46 CFR Part 4.05-1 and 4.05-10 have elapsed (e.g., a passenger or crew member files a claim for an injury that was initially not reported to a vessel’s master, owner, or operator). In those instances, an immediate notification shall be made to the cognizant Sector Command Center or Investigations Division and a CG-2692 shall be submitted within 5-days of the new information becoming available. Coast Guard IOs should refrain from initiating enforcement actions against a company for the submission of late or amended casualty reports when the delay is due to a failure of a crew member, contractor, or passenger to fully disclose the extent of an injury in a timely manner.</p>
<p>(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;</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Property Damage – defined as the sum of the monetary cost of material damage of all property affected by the occurrence including, but not limited to vessels, cargos, facilities, aids-to-navigation, and bridges and their fendering systems.</p> <p>Cargo-related damage estimates should be based solely on the loss or damage to the actual cargo. Cargo estimates should not include demurrage or expenses related to storage or alternate delivery arrangements.</p> <p>There may be instances when a party responsible for reporting a marine casualty makes an initial good faith damage estimate below the \$25,000 threshold that later proves to be incorrect. If the party responsible becomes aware of newly discovered property damage or a revised damage estimate that crosses the \$25,000 threshold after the casualty reporting time-lines in 46 CFR Part 4.05-1 and 4.05-10 have elapsed, an immediate notification shall be made to the cognizant Sector Command Center or Investigations Division and a CG-2692 shall be submitted within 5 days of receiving the new information.</p>
<p>(8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65.</p>	<p style="text-align: center;"><u>Associated Regulations</u></p> <p>46 CFR 4.03-65: Significant harm to the environment</p> <p>(a) In the navigable waters of the United States, a discharge of oil as set forth in 40 CFR 110.3 (see below) or a discharge of hazardous substances in quantities equal to or exceeding, in any 24-hour period, the reportable quantity determined in 40 CFR part 117 (see below);</p> <p>(b) In other waters subject to the jurisdiction of the United States, including the EEZ –</p> <p>(1) A discharge of oil in excess of the quantities or instantaneous rate permitted in 33 CFR 151.10 or 33 CFR 151.13 during operation of the ship; or</p> <p>(2) A discharge of noxious liquid substances in bulk in violation of 46 CFR 153.1126 or 46 CFR 153.1128 of this chapter during the operation of the ship; and</p> <p>(c) In waters subject to the jurisdiction of the United States, including the EEZ, a probable discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances. The factors you must consider to determine whether a discharge is probable include, but are not limited to –</p>

- (1) Ship location and proximity to land or other navigational hazards;
- (2) Weather;
- (3) Tide current;
- (4) Sea state;
- (5) Traffic density;
- (6) The nature of damage to the vessel; and
- (7) Failure or breakdown aboard the vessel, its machinery, or equipment.

40 CFR 110.3 - For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:

- (a) Violate applicable water quality standards; or
- (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

40 CFR Part 117 – Table 117.3 in 40 CFR lists the reportable quantities of Hazardous Substances as determined by the Environmental Protection Agency (EPA). It can be viewed online at www.ecfr.gov. Search for this specific regulatory cite.

Coast Guard Policy & Interpretations

Significant harm to the environment – Defined in 46 CFR 4.03-65 (provided above). This reporting requirement applies only to discharges from commercial vessels (with the exception of state numbered commercial vessels that are not subject to inspection under 33 U.S.C. 3301); it does NOT include discharges from facilities, fixed platforms, non-vessels, or to mystery spills. CG-2692s are required to be submitted for discharges meeting 46 CFR 4.03-65 from vessels.

(b) **Notice given as required by 33 CFR 160.216** satisfies the requirement of this section if the marine casualty involves a **hazardous condition** as defined by **33 CFR 160.202**.

Associated Regulations

33 CFR 160.203: Applicability (for vessels who must report under the requirements of **33 CFR 160.216**).

- (a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.
- (b) This subpart does not apply to U.S. recreational vessels under 46 U.S.C. 4301 *et seq.*, but does apply to foreign recreational vessels.
- (c) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.
- (d) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

See 33 CFR 160.204 for exempted vessels from the above regulation.

33 CFR 160.202: Definitions

Hazardous Condition means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

33 CFR 160.216: Notice of hazardous conditions

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 Office or closest Coast Guard office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05-10.)

.....
Coast Guard Policy & Interpretations

Notice given as required by 33 CFR 160.216 – Providing notice required by 33 CFR 160.216 (provided above) satisfies the immediate notification requirements of this section, specifically 46 CFR 4.05-1 only. As indicated in 33 CFR 160.216, it does not satisfy the requirement for submission of the written CG-2692 required by 46 CFR 4.05-10 if the incident is otherwise a reportable marine casualty.

<p>(c) Except as otherwise required under this subpart, if the marine casualty exclusively involves an occurrence or occurrences described in paragraph (a)(8) of this section, a report made pursuant to 33 CFR 153.203, 40 CFR 117.21 or 40 CFR 302.6 satisfies the immediate notification requirement of this section.</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Exclusively involves an occurrence or occurrences described in paragraph (a)(8) – If a casualty involves only an occurrence as defined in 46 CFR 4.05-1(a)(8) (i.e., no other criterion listed in 46 CFR Part 4.05-1(a)(1) through (7) applies), immediate notification is satisfied pursuant to reports made in compliance with 33 CFR 153.203, 40 CFR 117.21, or 40 CFR 302.6. However, a written report as required per 46 CFR 4.05-10 is required to be submitted within 5 calendar days.</p> <p>If a casualty is found to also involve any occurrence(s) described in 46 CFR 4.05-1(a)(1) through (7), then immediate notice required by 46 CFR 4.05-1 is still required in addition to any reports made pursuant to 33 CFR 153.203, 40 CFR 117.21, or 40 CFR 302.6.</p> <p>Report made pursuant to 33 CFR 153.203, 40 CFR 117.21 or 40 CFR 302.6 – Reports under all three selections are to be made immediately/as soon as a person has knowledge of an applicable discharge to the:</p> <p style="padding-left: 40px;">National Response Center (NRC), U.S. Coast Guard, 2100 2nd St., SW., Stop 7238, Washington, DC 20593-7238, <i>toll free telephone number:</i> 800-424-8802, <i>direct telephone:</i> 202-267-2675, or <i>Fax:</i> 202-267-1322.</p> <p>For reports made pursuant to 33 CFR 153.203 and 40 CFR 117.21, if direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or Environmental Protection Agency (EPA) and pre-designated Federal On-Scene Coordinator (FOSC) for the geographic area where the discharge occurs. All such reports should be promptly relayed to the NRC. If it is not possible to notify the NRC or the pre-designated FOSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.</p>
---	---

46 CFR 4.05-2: Incidents Involving Foreign Tank Vessels

Regulation Text	Associated Regulation(s) and Interpretation(s)
<p>(a) <i>Within the navigable waters of the United States, its territories, or possessions.</i> The marine casualty reporting and investigation criteria of this part apply to foreign tank vessels operating on the navigable waters of the United States, its territories, or possessions. A written marine casualty report must be submitted under 46 CFR 4.05-10 of this chapter.</p>	<p style="text-align: center;"><u><i>Associated Regulation</i></u></p> <p>33 CFR 2.36: Navigable waters of the United States, navigable waters, and territorial waters –</p> <p>(a) Except as provided in paragraph (b) of this section, navigable waters of the United States, navigable waters, and territorial waters mean, except where Congress has designated them not to be navigable waters of the United States:</p> <p>(1) Territorial seas of the United States;</p> <p>(2) Internal waters of the United States that are subject to tidal influence; and</p> <p>(3) Internal waters of the United States not subject to tidal influence that:</p> <p>(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or</p> <p>(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce.</p> <p>(b) Navigable waters of the United States and navigable waters, as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:</p> <p>(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and</p> <p>(2) Other waters over which the Federal Government may exercise Constitutional authority.</p>
<p>(b) <i>Outside the U.S. navigable waters and within the Exclusive Economic Zone (EEZ).</i> The owner, agent, master, operator, or person in charge of a foreign tank vessel involved in a marine casualty must report under procedures detailed in 33 CFR 151.15, immediately after addressing resultant safety concerns, whenever the marine casualty involves, or results in –</p>	<p style="text-align: center;"><u><i>Associated Regulation</i></u></p> <p>33 CFR 151.15: Reporting requirements.</p> <p>(a) The master, person in charge, owner, charterer, manager, or operator of a vessel involved in any incident described in paragraph (c) of this section must report the particulars of the incident without delay to the fullest extent possible under the provisions of this section.</p> <p>(b) If a vessel involved in an incident is abandoned, or if a report from that vessel is incomplete or unattainable, the owner, charterer, manager, operator, or their agent must assume the obligations placed upon the master or other person having charge of the vessel under provisions of this section.</p> <p>(c) The report must be made whenever an incident involves—</p> <p>(1) A discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances (NLS) resulting from damage to the vessel or its equipment, or for the purpose of securing the safety of a vessel or saving a life at sea;</p> <p>(2) A discharge of oil in excess of the quantities or instantaneous rate permitted in §151.10 or 151.13 of this chapter, or NLS in bulk, in 46 CFR 153.1126 or 153.1128, during the operation of the vessel;</p> <p>(3) A discharge of marine pollutants in packaged form; or</p>

	<p>(4) A probable discharge resulting from damage to the vessel or its equipment. The factors you must consider to determine whether a discharge is probable include, but are not limited to—</p> <ul style="list-style-type: none"> (i) Ship location and proximity to land or other navigational hazards; (ii) Weather; (iii) Tide current; (iv) Sea state; (v) Traffic density; (vi) The nature of damage to the vessel; and (vii) Failure or breakdown aboard the vessel of its machinery or equipment. Such damage may be caused by collision, grounding, fire, explosion, structural failure, flooding or cargo shifting or a failure or breakdown of steering gear, propulsion, electrical generating system or essential shipboard navigational aids. <p>(d) Each report must be made by radio whenever possible, or by the fastest telecommunications channels available with the highest possible priority at the time the report is made to—</p> <ul style="list-style-type: none"> (1) The appropriate officer or agency of the government of the country in whose waters the incident occurs; and (2) The nearest Captain of the Port (COTP) or the National Response Center (NRC), toll free number 800-424-8802 (in Washington, DC, metropolitan area, 202-267-2675), fax 202-267-1322, telex number 892427 for incidents involving U.S. vessels in any body of water; or incidents involving foreign flag vessels in the navigable waters of the United States; or incidents involving foreign-flag tank vessels within waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ). <p>(e) Each report must contain—</p> <ul style="list-style-type: none"> (1) The identity of the ship; (2) The type of harmful substance involved; (3) The time and date of the incident; (4) The geographic position of the vessel when the incident occurred; (5) The wind and the sea condition prevailing at the time of the incident; (6) Relevant details respecting the condition of the vessel; (7) A statement or estimate of the quantity of the harmful substance discharged or likely to be discharged into the sea; and (8) Assistance and salvage measures. <p>(f) A person who is obligated under the provisions of this section to send a report must—</p> <ul style="list-style-type: none"> (1) Supplement the initial report, as necessary, with information concerning further developments; and (2) Comply as fully as possible with requests from affected countries for additional information concerning the incident. <p>A report made under this section satisfies the reporting requirements of §153.203 of this chapter and of 46 CFR 4.05-1 and 4.05-2, if required under those provisions.</p> <p>Exclusive Economic Zone (EEZ) – defined in 33 CFR 2.30 (see page 4 above).</p>
<p>(1) Material damage affecting the seaworthiness or efficiency of the vessel; or</p>	<p style="text-align: center;"><u>Coast Guard Policy & Interpretations</u></p> <p>Seaworthiness – Defined as the condition of being properly equipped and sufficiently constructed and watertight to withstand the stress of the wind, waves, and other environmental conditions that the vessel might reasonably be expected to encounter.</p> <p>Efficiency – Defined as the ability of the vessel to competently perform and operate in its intended service, including the ability to safely carry and transfer its cargo.</p>

- (2) An occurrence involving **significant harm to the environment** as a result of a discharge, or probable discharge, resulting from damage to the vessel or its equipment. The factors you must consider to determine whether or not a discharge is probable include, but are not limited to –
- (i) Ship location and proximity to land or other navigational hazards;
 - (ii) Weather;
 - (iii) Tide / Current;
 - (iv) Sea state;
 - (v) Traffic density;
 - (vi) The nature of the damage to the vessel; and
 - (vii) Failure or breakdown aboard the vessel, its machinery, or equipment.

Associated Regulations

46 CFR 4.03-65: Significant harm to the environment –

- (a) In the navigable waters of the United States, a discharge of oil as set forth in **40 CFR 110.3** (see below) or a discharge of hazardous substances in quantities equal to or exceeding, in any 24-hour period, the reportable quantity determined in **40 CFR part 117** (see below);
- (b) In other waters subject to the jurisdiction of the United States, including the EEZ –
 - (1) A discharge of oil in excess of the quantities or instantaneous rate permitted in 33 CFR 151.10 or 33 CFR 151.13 during operation of the ship; or
 - (2) A discharge of noxious liquid substances in bulk in violation of 46 CFR 153.1126 or 46 CFR 153.1128 of this chapter during the operation of the ship; and
- (c) In waters subject to the jurisdiction of the United States, including the EEZ, a probable discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances. The factors you must consider to determine whether a discharge is probable include, but are not limited to –
 - (1) Ship location and proximity to land or other navigational hazards;
 - (2) Weather;
 - (3) Tide current;
 - (4) Sea state;
 - (5) Traffic density;
 - (6) The nature of damage to the vessel; and
 - (7) Failure or breakdown aboard the vessel, its machinery, or equipment.

.....
40 CFR 110.3 - For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:

- (a) Violate applicable water quality standards; or
- (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

40 CFR Part 117 – Table 117.3 in 40 CFR lists the reportable quantities of Hazardous Substances as determined by the Environmental Protection Agency. It can be viewed online at www.ecfr.gov. Search for this specific regulatory cite.