

U.S. Department
of Transportation

United States
Coast Guard



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United States Coast Guard

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G-MOA Policy Letter 2-98

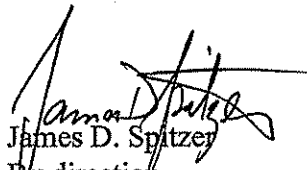
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From: Commandant
To: Distribution

Subj: CONDUCTING MARINE CASUALTY INVESTIGATIONS

Ref: (a) Report of the Quality Action Team on Marine Safety Investigations, 18 Sep 95

1. Reference (a) discusses several proposals for updating the marine casualty investigation process. It recommends changes to the casualty reporting and post-casualty chemical testing regulations and implementation of criteria to determine the level of investigative response to casualties. Regulatory projects are underway to change the casualty reporting and post-casualty chemical testing regulations. This letter and its enclosure provide guidance on the appropriate level of investigative response for reported marine casualties.
2. As discussed during the last Senior Investigating Officer conference, we no longer conduct investigations of minor incidents that provide little or no useful information for improving marine safety. However, the requirements at 46 CFR 4.05 for notice and reports of marine casualties remain unchanged.
3. All Officers in Charge, Marine Inspection shall take the enclosure to this letter for action in determining consistent investigative response to marine casualties. Nothing herein is intended to limit or change the Officer in Charge, Marine Inspection's authority or responsibility to determine appropriate actions in any specific case. This policy will be incorporated into the next change to Volume V of the Marine Safety Manual. Questions concerning this policy may be directed to Mr. Rabe at (202) 267-1430.


James D. Spitzer
By direction

Encl: (1) Determining Marine Casualty Investigative Action

Distribution:
All Marine Safety/Inspection Offices
All Activity Commands
All District (m) Offices
Commandant (NMC)
RTC Yorktown (mss)

DETERMINING MARINE CASUALTY INVESTIGATIVE ACTION

I. Purpose

This document provides guidance to implement a new policy and process for the Coast Guard investigation, reporting, and record-keeping associated with marine casualties. This policy does not apply to:

- 46 CFR 4.05 requirements for notice and written reports of casualties;
- 46 CFR 4.06 and 33 CFR 95 requirements for post-casualty chemical testing and the reporting of chemical test results;
- regulations and policy regarding pollution investigations;
- personnel action investigations of licensed or documented mariners;
- investigation of civil or criminal offenses.

This policy does not limit or change the OCMI's authority or responsibility to determine appropriate actions in any specific case. For example, a minor collision (damage less than \$25,000) of a towboat and a moored casino vessel may highlight significant safety concerns that would demand a formal investigation, or the OCMI may decide to conduct an informal investigation of three deaths from a fishing vessel sinking if the added cost and complexity of a formal investigation would not bring appreciable benefit. In such cases, the usual process of investigating, determining causal factors, reporting, entering information into MSIS, and record-keeping must be followed.

II. Levels of Investigative Action

The Quality Action Team on Marine Safety Investigations suggested that three levels of investigation are necessary. This policy implements those levels of investigation:

Formal Investigations are reserved for the more serious or significant incidents investigated under 46 USC Chapter 63 from which the most value can be gained. Marine Boards of Investigation convened by the Commandant and other formal investigations convened by the District Commander or OCMI/COTP fit into this category.

Informal Investigations are less exhaustive investigative efforts, but include the determination and reporting of the causal factors of a casualty.

Data Collection Activities do not require any significant investigative effort, and usually consist only of inputting the reported information into MSIS for future reference and analysis. Only minimum follow-up to verify accuracy and completeness would be conducted if necessary. In some cases, no MSIS entry is necessary and the CG-2692 may be forwarded after minimal review to Commandant (G-MOA-1).

III. Conduct of Investigations and Data Collection Activities

Formal Investigation

A *Formal Investigation* should be conducted for any casualty involving a U.S. or foreign flag commercial vessel and meeting the following criteria:

1. Death: 2 or more deaths.
2. Injury: 2 or more seriously disabling injuries or 6 or more injuries which result in fractured bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, tendon, or internal organ damage, or in hospitalization for more than 48 hours within 5 days of the injury.
3. Vessel loss: Loss of an inspected vessel, or loss of a 500 or more GRT uninspected vessel.
4. Property damage: An event involving a vessel and resulting in property damage exceeding \$1,000,000. The damage value comprises the cost of labor and material to restore the property (vessels, shoreline facilities, pipelines, OCS facilities, etc.) to its original condition before the occurrence, but does not include damage to natural resources, or the cost of salvage, cleaning, gas-freeing, dry-docking, or demurrage. Damage values should be the best estimates available immediately following the accident.
5. Discharge: Major discharge of oil or major release of a hazardous substance (as defined in 40 CFR 300.5), or of hazardous cargoes regulated under 46 CFR Subchapter O, in which a vessel is the source or the cause of the discharge or release.

Foreign Flag Exception: A formal investigation is not required for a casualty involving only a foreign flag vessel (i.e., no U.S. vessel involved, no damage to U.S. property, and no injury of U.S. citizens).

Barge Exception: A formal investigation is not required for the loss of a barge on inland waters (as defined in 33 USC 2003).

Informal Investigations

An *Informal Investigation* should be conducted for any casualty involving a U.S. or foreign flag commercial vessel and meeting the following criteria:

1. Death: One death. Death cases may be downgraded to the *Data Collection* level of activity after credible evidence (such as a death certificate) indicates death from natural causes or suicide.
2. Injury: One injury which results in fractured bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, tendon, or internal organ damage, or in hospitalization for more than 48 hours within 5 days of the injury.
3. Vessel loss: Loss of an uninspected vessel of more than 100 GRT but less than 500 GRT, or loss of a barge of more than 100 GRT on inland waters (as defined in 33 USC 2003).

4. Property damage: An event involving a vessel and resulting in property damage exceeding \$100,000 but less than \$1,000,000. The damage value comprises the cost of labor and material to restore the property (vessels, shoreline facilities, pipelines, OCS facilities, etc.) to its original condition before the occurrence, but does not include damage to natural resources, or the cost of salvage, cleaning, gas-freeing, dry-docking, or demurrage. Damage values should be the best estimates available immediately following the accident.
5. Collision: Any collision or allision resulting in property damage exceeding \$25,000.
6. Loss of propulsion or steering: Any loss of propulsion or steering, even if momentary, affecting an inspected U.S. vessel anywhere, or affecting a foreign flag vessel or an uninspected U.S. vessel over 100 GRT on U.S. navigable waters. Losses of propulsion or steering associated with planned maintenance procedures are not included.
7. Flooding or fire: Flooding or fire that adversely affect a vessel's fitness for service on an inspected U.S. vessel anywhere, or on a foreign flag vessel or an uninspected U.S. vessel over 100 GRT on U.S. navigable waters.
8. Equipment failure: Failure of Coast Guard-approved primary lifesaving equipment or Coast Guard-approved firefighting equipment.
9. Discharge: Medium discharge of oil or release of a hazardous substance (defined in 40 CFR 300.5), or of hazardous cargoes regulated under 46 CFR Subchapter O, in which a vessel is the source or the cause of the discharge or release.

Data Collection Activities

Data Collection should be conducted for all reportable casualties (46 CFR 4.05) not assigned to *Formal Investigation* or *Informal Investigation*.

1. Normally, the reported casualty information should be entered into MSIS with only minimum effort expended to verify its accuracy and completeness. The intent of this policy is to reduce the unit workload resulting from investigation of minor marine casualties to an absolute minimum.
2. No MSIS entry is necessary or desired for marine casualties meeting the following criteria:
 - Groundings involving "bump and go" touching of the bottom on inland waters (as defined in 33 USC 2003) by uninspected towing vessels and uninspected barges in the navigation channel with no damage, no pollution, no personnel injuries, no breaking apart of the tow, and no assistance required to resume voyage.
 - Casualties involving only minor injury. A minor injury is any injury that does not result in broken bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, tendon, or internal organ damage, or in hospitalization for more than 48 hours within 5 days of the injury. See G-MOA Policy letter 3-97.
 - Casualties (other than collisions and allisions) reported only because of property damage in excess of \$25,000 where the property damage does not exceed \$100,000.
3. For cases meeting the criteria in 2 above, the CG-2692 and any other case material received should be forwarded to Commandant (G-MOA-1) after minimal review to verify that the

case meets one of the criteria. The unit need not maintain copies of the CG-2692 or other material, but may wish to keep a record of cases forwarded to Commandant (G-MOA-1) for tracking purposes. Commandant (G-MOA-1) will maintain the files of these cases and will respond to any FOIA requests received. Units need not maintain information to respond to FOIA requests for these cases.

IV. Process

Except as indicated above for data collection activities, there are no changes to the current process of investigating, determining causal factors, reporting, entering information into MSIS, and record-keeping for marine casualties and pollution incidents.

Whenever a narrative report for public distribution is written, and whenever a formal or informal investigation is conducted, all appropriate casualty information must be recorded in MSIS. See G-MOA policy letter 1-96.

“If an activity is worth doing, it is worth documenting right!”