

40507 3 2 1 Capt. Harry writes from Walterboro, "Dear Sir, I have served as master of a number of commercial vessels. Although I have never had a serious accident, what are my responsibilities to test the crew for drug or alcohol use after a casualty?

Good question, Captain. Whether drug or alcohol use contributed to an accident is always an important question. For example, last Monday, the outbound M/V HANJIN HONGKONG collided with the inbound M/V PRESIDENT WASHINGTON in fog 7 miles from the port of Pusan, South Korea, causing extensive damage to the WASHINGTON and loss of as many as 36 containers overboard, 6 of which were later found on deck of the HONGKONG. Although U. S. Coast Guard regulations require periodic and random drug and alcohol testing of mariners, they also require post accident testing for drug and alcohol use. 46 C.F.R. §4.03-2 defines serious marine accident as one which results in one of the following: death, injury to a person which requires more than first aid and which renders that person unfit to perform routine duties, property damage over \$100,000, loss of an inspected vessel, loss of an uninspected vessel over 100 gross tons, discharge of more than 10,000 gallons of oil into navigable waters, or discharge of reportable amount of hazardous substance.

After a serious accident, all individuals who are directly involved must be tested. This includes each individual whose order, action or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading to the incident.

The marine employer, including the master or person in charge of the vessel, is responsible for conducting tests as soon after

40430 3 2 1 Connell writes from Andrews, "Dear Lawyer Cooper, my brother Duane and I have a problem that started when we were comin back from the Florida keys in our new boat, THE WHOPPER. Ray from over at the truck stop had been fishin with us in Florida and we were all three bringin THE WHOPPER back to South Carolina. On the way up the ditch we suddenly ran hard aground on a bar in the middle of the waterway and on impact, Ray fell down into the engine space and was paralyzed. Come to find out the marker buoy

is in place, Can we hold the