



MARITIME EXCHANGE
for the Delaware River and Bay

ALERT

March 27, 2020

TO: Maritime Operations Committee
Maritime Exchange Navigation Group

The Maritime Exchange is forwarding the following MSIB from the U.S. Coast Guard for your information.

[MSIB 10-20 COVID-19–Guidance for Maritime Operators on Compliance with Federal Drug Testing Requirements](#)

To help protect our essential maritime workforce, while also ensuring drug testing continues to serve as a deterrent, the Coast Guard is providing the following guidance, which, along with any subsequent updates, will remain in effect during the COVID-19 national emergency.

Recommended actions for marine employers with mariners in safety sensitive positions who are subject to drug testing under 46 Code of Federal Regulations (CFR) Part 16.

- **Random Testing:** Operators shall continue to conduct random urinalysis tests reasonably spread throughout the current year as per 46 CFR 16.230. However, the Coast Guard understands that introducing third party collectors onto a vessel or sending mariners to a collection site, increases human contact during the pandemic. In order to minimize human contact and safeguard the uninterrupted flow of vital commerce, maritime operators are encouraged to adjust random selection dates and use their own office employees or mariners to administer the drug tests during the pandemic emergency. Many companies already have “in-house” qualified collectors who are also authorized to train and certify other collectors. Virtual training options are also available on-line to certify urine collectors. However, the Coast Guard realizes that the challenges related to the pandemic, including the time to get employees trained, could make it difficult to reach the required 50% random test rate for all covered employees in 2020. Thus, the Office of Investigations and Analysis (CG-INV) will give due consideration to those challenges when deciding whether or not to initiate an enforcement action against marine employers who fall short of the 50% requirement. If a marine employer does fall short of the 50% requirement they should provide an explanation along with their 2020 Management Information System (MIS) reports describing the testing complications and/or delays encountered during the pandemic, and describe the steps taken to maintain their random testing programs as described above.

- **Pre-Employment Testing:** Employers must continue to require pre-employment drug tests for newly hired crewmembers as per 46 CFR 16.210. However, 46 CFR 16.210 provides employers the ability to waive pre-employment testing for prospective employees who have been covered by another drug testing program for at least 60 days within the last 185 days. In consideration of the pandemic and the potential need for employers to backfill crewmember positions rapidly, the Coast Guard, pursuant to 46 CFR 16.107 will consider employer requests to waive pre-employment drug tests for employees that have been covered by a random drug test program for at least 60 days within the last year of the intended hiring date. Employers may email waiver requests to CG-INV at HQS-DG-1st-CG-INV-1@uscg.mil.
- **Post-Casualty Testing for Serious Marine Incidents:** All employers shall continue to ensure that all persons directly involved in a serious marine incident are tested for dangerous drugs and alcohol in accordance with the requirements of 46 CFR 4.06.
- **Reasonable Cause Testing:** All employers shall continue to require drug testing of crewmembers who are reasonably suspected of using dangerous drugs in accordance with the requirements of 46 CFR 16.250.

Marine employers with specific questions or concerns regarding drug or alcohol testing over the course of the pandemic may send inquiries to the CG-INV Drug and Alcohol Program Coordinator at DAPI@uscg.mil.

Richard V. Timme, RDML, U.S. Coast Guard, Assistant Commandant for Prevention Policy sends.

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