

Coast Guard, DHS

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AUTHORITY: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2303a, 2306, 6101, 6301, and 6305; 50 U.S.C. 198; Department of Homeland Security Delegation No. 0170.I. Subpart 4.40 issued under 49 U.S.C. 1903(a)(1)(E).

SOURCE: CGD 74-119, 39 FR 33317, Sept. 17, 1974, unless otherwise noted.

Subpart 4.01—Authority and Scope of Regulations

§ 4.01-1 Scope of regulation.

The regulations in this part govern the reporting of marine casualties, the investigation of marine casualties and the submittal of reports designed to in-

crease the likelihood of timely assistance to vessels in distress.

[CGD 85-015, 51 FR 19341, May 29, 1986]

§ 4.01-3 Reporting exclusion.

(a) Vessels subject to 33 CFR 173.51 are excluded from the requirements of subpart 4.05.

(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).

(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 and Health Administration (OSHA) under 29 CFR 1904.

(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.

[CGD 76-170, 45 FR 77441, Nov. 24, 1980; 46 FR 19235, Mar. 30, 1981, as amended by CGD 76-170, 47 FR 39684, Sept. 9, 1982; CGD 95-028, 62 FR 51195, Sept. 30, 1997; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]

Subpart 4.03—Definitions

§ 4.03-1 Marine casualty or accident.

Marine casualty or accident means—

(a) Any casualty or accident involving any vessel other than a public vessel that—

(1) Occurs upon the navigable waters of the United States, its territories or possessions;

(2) Involves any United States vessel wherever such casualty or accident occurs; or

(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.

(b) The term “marine casualty or accident” applies to events caused by or

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involving a vessel and includes, but is not limited to, the following:

- (1) Any fall overboard, injury, or loss of life of any person.
- (2) Any occurrence involving a vessel that results in—
 - (i) Grounding;
 - (ii) Stranding;
 - (iii) Foundering;
 - (iv) Flooding;
 - (v) Collision;
 - (vi) Allision;
 - (vii) Explosion;
 - (viii) Fire;
 - (ix) Reduction or loss of a vessel's electrical power, propulsion, or steering capabilities;
 - (x) Failures or occurrences, regardless of cause, which impair any aspect of a vessel's operation, components, or cargo;
 - (xi) Any other circumstance that might affect or impair a vessel's seaworthiness, efficiency, or fitness for service or route; or
 - (xii) Any incident involving significant harm to the environment.
- (3) Any occurrences of injury or loss of life to any person while diving from a vessel and using underwater breathing apparatus.
- (4) Any incident described in § 4.05-1(a).

[USCG-2000-6927, 70 FR 74675, Dec. 16, 2005]

§ 4.03-2 Serious marine incident.

The term *serious marine incident* includes the following events involving a vessel in commercial service:

- (a) Any marine casualty or accident as defined in § 4.03-1 which is required by § 4.05-1 to be reported to the Coast Guard and which results in any of the following:
 - (1) One or more deaths;
 - (2) An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
 - (3) Damage to property, as defined in § 4.05-1(a)(7) of this part, in excess of \$100,000;
 - (4) Actual or constructive total loss of any vessel subject to inspection under 46 U.S.C. 3301; or

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(5) Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more.

(b) A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty.

(c) A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

[CGD 86-067, 53 FR 47077, Nov. 21, 1988, as amended by CGD 97-057, 62 FR 51041, Sept. 30, 1997]

§ 4.03-4 Individual directly involved in a serious marine incident.

The term *individual directly involved in a serious marine incident* is an 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 or causing a serious marine incident.

[CGD 86-067, 53 FR 47077, Nov. 21, 1988]

§ 4.03-5 Medical facility.

The term *medical facility* means an American hospital, clinic, physician's office, or laboratory, where blood and urine specimens can be collected according to recognized professional standards.

[CGD 86-067, 53 FR 47077, Nov. 21, 1988]

§ 4.03-6 Qualified medical personnel.

The term *qualified medical personnel* means a physician, physician's assistant, nurse, emergency medical technician, or other person authorized under State or Federal law or regulation to collect blood and urine specimens.

[CGD 86-067, 53 FR 47077, Nov. 21, 1988]

§ 4.03-7 Chemical test.

The term *chemical test* means a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues