

关于 USCG 对酒精检测要求的通告

各有关公司：

2005 年 12 月 22 日 USCG 发布了 46CFR Part4 的最终规定，其修订了 1998 年的《海岸警卫权利法案》对于在发生严重海事事故（SMI，Serious Marine Incident）之后的 2 小时之内确保船员和其它船上雇员接受酒精检测的要求。此规定还要求商船必须随船配备酒精检测仪器，以备船舶由于操作或地理位置原因使检测不能在两小时内进行。此最终规定将于 2006 年 6 月 20 日生效。

我社建议所有航行在美国水域内尤其是 LOOP，Lower Chesapeake Bay 和 Straits of Juan de Fuca 等与陆地相对隔绝海域的 CCS 船级船舶需随船配备酒精检测工具，以防船舶 SMI 发生后两小时内不能接受授权单位的检查。

此外，我社建议各船公司准备一份 SMI 发生后的酒精检测程序文件，建议各船公司咨询公司法律顾问和保赔协会的意见，并纳入到安全管理体系中。

建议此文件可包含以下内容：

1. 酒精检测工具的获得和分发
2. 检测工具的储存和产品到期日的检查
3. 由生产厂家指定的工具使用流程
4. 如何认定 SMI 有关人员
5. 明确对 SMI 有关人员检测的执行者
6. 确保所有人员在 SMI 两小时内必须进行检测，除非明确与事故无直接关系。
7. 关于个人在使用内含酒精的洗口药后，可能会在酒精检测中从使用者的唾液里测出阳性反映的讨论
8. 样品保管链的建立和维护
9. 如何将检测样品传送上岸
10. 将 SMI 后检测记入正式的日志
11. 培训船员熟悉公司制订的 SMI 酒精检测文件

符合要求的产品目录，各公司可查询以下网址：

<http://a257.g.akamai.tech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/E5-6848.pdf>

或者

<http://www.nhtsa.dot.gov/people/injury/alcohol/ebtcpl040714FR.pdf>

如需要查询更详细的信息请登陆 the Blank Rome LLP 网站：

<http://www.blankrome.com/publications/maritime/upd106-01.asp>.

为此，我们提醒各公司及船舶提前做好准备，以避免产生不必要的麻烦。

有关此项要求的具体内容可参看附件内容。

特此通告！

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附件：1. U.S. COAST GUARD FINAL RULE – ALCOHOL TEST KITS

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MARINE SAFETY ADVISORY NO. 01-06

To: Regional Marine Safety Offices, Nautical Inspectors, Masters, Owners/Agents

Subject: U.S. COAST GUARD FINAL RULE – ALCOHOL TEST KITS

Date: 16 January 2006

Please be advised that the U.S. Coast Guard has published its final rule of 46CFR Part 4 on 22 December 2005, which revises Coast Guard requirements for alcohol testing after a serious marine incident (SMI) to ensure that mariners or their employees involved in an SMI are tested within 2-hours after occurrence of the incident as required under the Coast Guard Authorization Act of 1998. The rule also requires commercial vessels to have onboard, an alcohol use testing device, if testing within 2-hours after an SMI is not possible due to the vessel's operation and/or geographic location. In addition, the rule makes some minor procedural changes, including a 32-hour time limit for collecting specimens for drug testing following an SMI. (70 Fed. Reg. 245, pg. 75954).

This final rule is effective 20 June 2006.

The Administration highly recommends that the alcohol test kit be carried on all Marshall Islands ships trading in the U.S. since certain geographic areas such as the LOOP, Lower Chesapeake Bay, and Straits of Juan de Fuca are relatively isolated from shoreside access and testing by contracted or law enforcement entities within the 2-hour after an SMI by shoreside resources is unlikely. In the event an SMI would occur in one of these areas, the crew would have to test one another as discussed in the rule.

The Administration strongly recommends that the company prepare an alcohol use test policy, which establishes the procedures for such test after an SMI. The policy should be developed in consultation with the company's legal advisors and/or P&I club, and can be included in the company's Safety Management System (SMS). Submission of the company's alcohol test policy to the Administration is not required since its preparation is only a recommendation. The policy, if implemented, should address such matters as:

1. Procurement and distribution of conforming alcohol test kit(s);
2. Storage location for the kit and examination of product expiration date;
3. Use of the kit in accordance with the procedures specified by the manufacturer;
4. How to determine which individuals are directly involved in the SMI;

5. Who should administer the test to individuals directly involved in the SMI;
6. That testing of each individual must be conducted within 2 hours of the SMI, unless precluded by safety concerns directly related to the incident;
7. The discussion of mouthwashes containing alcohol and how these products may show a positive screen for alcohol in the saliva;
8. How the chain of custody for the test specimen(s) is established and maintained;
9. How the test specimen(s) is delivered ashore;
10. Official log entries regarding the test after an SMI; and
11. Training of the crew on the Company alcohol use test policy after an SMI.

The Conforming Product List for Alcohol Screening Devices can be found at:

<http://a257.g.akamai.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/E5-6848.pdf>

or

<http://www.nhtsa.dot.gov/people/injury/alcohol/ebtcp1040714FR.pdf>.

Additional information may be found on the Blank Rome LLP website at:

<http://www.blankrome.com/publications/maritime/upd106-01.asp>.