

Marine Casualty Investigation or Inspection Deficiency on Inspected Vessels

- Ref: (a) 46 Code of Federal Regulations, Part 4, *Marine Casualties and Investigations*
(b) COMDTINST M16000.6A, *USCG Marine Safety Manual, Volume V: Investigations and Enforcement*
(c) CG-INV Policy Letter 02-2022, *Requirements for the Investigation of Marine Casualties and Accidents, Outer Continental Shelf (OCS) Casualties, and Commercial Diving Casualties*
(d) NVIC 01-15, *Title 46, Code of Federal Regulations (CFR), Part 4 Marine Casualty Reporting Procedures Guide with Associated Standard Interpretations*

1. **Background.** During an inspection, there are certain situations that may overlap between marine casualty investigations and deficiencies on inspected vessels. This INV Note discusses several common scenarios and when a marine casualty investigation is required.
2. **Occurrences During Inspections.** In accordance with 46 CFR 4.05-1(a)(4), vessels are required to report “an occurrence materially and adversely affecting the vessel’s seaworthiness or fitness for service or route.” The term occurrence is a “catch all” that was intended to account for marine casualties that are not specifically called out in the CFR, such as fire, flooding, failure, or damage to equipment or systems, that impact the vessel’s operations. It is NOT intended to account for deficiencies that were issued in conjunction with a marine inspection.
 - a. **Deficiencies Issued During Inspections.** Deficiencies found during an inspection shall be documented as deficiencies using the CG-835v and shall not be considered marine casualties. Deficiencies will be adjudicated through the marine inspection process without initiating a marine casualty investigation. An investigating officer (IO) does not need to duplicate the efforts. For example, if the vessel is issued a “no-sail 835” or a flag state detention in conjunction with an inspection, this would require the issuance of a deficiency and NOT the initiation of a marine casualty investigation.
 - b. **Evidence of Reportable Marine Casualties Detected During Inspections.** If during an inspection the marine inspector (MI) finds objective evidence that a reportable marine casualty occurred BEFORE the inspection and that it was NOT previously reported to the Coast Guard, the incident shall be considered a marine casualty and investigated in accordance with 46 CFR Part 4. An example is an unapproved hull repair after a reportable marine casualty that was NOT properly reported to the Coast Guard.
 - c. **Reportable Marine Casualties Occurring During Inspections.** If an incident occurs during an inspection that meets the criteria of a reportable marine casualty, it shall be considered a marine casualty and investigated in accordance with 46 CFR Part 4. Some examples include a crewmember injury during a drill, a lifeboat failure during launching, or loss of propulsion which impacts maneuverability during a deficiency check inspection.

3. **Occurrences Only Reported to the Inspections Division.** There may be instances where a vessel is required to report a failure to the local Inspections Division because the vessel is Coast Guard inspected and the occurrence impacts the vessel's compliance with its Certificate of Inspection. These instances do not trigger an automatic marine casualty investigation. MIs and IOs should jointly review all the evidence and causal factors surrounding the incident, and the IO should evaluate each report in accordance with references (a) through (d) to determine if an investigation is required. For example, if a towing vessel equipped with two engines and operating without a tow experiences a loss of propulsion on one engine, the loss of one engine may not require an investigation if the vessel's maneuverability was not degraded. However, the local Inspections Division may restrict the vessel's towing operations until permanent repairs are completed.
4. All questions and concerns related to this Note should be directed to the Investigation Division staff (CG-INV-1), HQS-SMB-CG-INV@uscg.mil, at the Office of Investigations and Casualty Analysis.