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To: Legal Representatives, Masters, Owners/Operators of Vanuatu Flagged Vessels and Recognized Organizations.

Subject: Use of Drug Testing Consortiums for Mandatory Testing

The Vanuatu Drug Testing Guidelines are to be used by the Vessel owners flagged with Vanuatu to develop a company and/or fleet wide drug testing process and procedures.

VMSL recognizes that many countries have their own drug testing regulations, procedures and related laws. We expect all owners/managers to comply with all local laws and regulations of the local area, but to establish the local drug testing process and procedures at the level described below as long as local laws are not violated. In other words, if these guidelines set a higher standard than is required under local laws and regulations, then these guidelines will be complied with to the extent possible given the local legal environment. These guidelines and the resulting procedures shall not apply to any person for whom compliance would violate the domestic laws or policies of the country where local operations are based.

1. Definitions

- A. "Chemical Test" means a scientifically recognized test, which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.
- B. "Crew member" means an individual who is on board a vessel acting under the authority of a license, certificate of registry, or merchant mariner's document issued by the flag state, except the following:
- Scientific personnel on an oceanographic research vessel;
 - Individuals on industrial vessels who are industrial personnel;
 - Individuals who have no duties that directly affect the safe operation of the vessel.
 - Non Seafarer personnel as define in Maritime Bulletin Number 112

C. "Operation" means to navigate, steer, direct, manage, or sail a vessel, or to control, monitor, or maintain the vessel or auxiliary equipment or systems.

Operation includes:

- Determining the vessel's position, piloting, directing the vessel along a desired track line, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position, or speed, and maintaining a lookout;
- Controlling, operating, monitoring, maintaining, or testing: the vessel's propulsion and steering systems; electric power generators; bilge, ballast, fire, and cargo pumps; deck machinery including winches; windlasses, and lifting equipment; lifesaving equipment and appliances; firefighting systems and equipment; and navigation and communication equipment; and
- Mooring, anchoring, and line handling; loading or discharging of cargo or fuel; assembling or disassembling of tows; and maintaining the vessel's stability and watertight integrity.
- Any other personnel listed in Vanuatu Marine Bulletin No. 112, Maritime Labor Convention 2006 policy.

D. "Dangerous Drug" means a narcotic drug, controlled substance, and marijuana.

E. "Dangerous Drug Level" means the amount of traces of dangerous drugs or drug metabolites in an individual's breath, blood, urine, saliva, or body fluids or tissues.

F. "Drug Test" means a chemical test of an individual's urine for evidence of dangerous drug use.

G. "Fails a Chemical Test for Dangerous Drugs" means the test result is reported as positive for the presence of dangerous drugs or drug metabolites in an individual's system after a Medical Review Officer's review.

H. "Intoxicant" means any form of alcohol, dangerous drug, or combination thereof.

I. "Medical Review Officer" means an individual designated by the company to carry out The duties of a Medical Review Officer

J. "Serious Marine Incident" includes the following events involving a vessel in commercial service:

Any marine casualty or accident that is required to be reported to the local maritime authorities and/or the flag state of the vessel and which results in any of the following:

- One or more deaths.
- An injury to a crew member, 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;
- Damage to property in excess of \$100,000;
- Actual or constructive total loss of any vessel.
- A discharge of oil of 10,000 gallons or more into navigable waters.

- A discharge of a reportable quantity of a hazardous substance into navigable waters or a release of a reportable quantity of a hazardous substance into the environment whether or not resulting from a marine casualty.

2.0 Drug Testing Requirements

2.1 Pre-employment testing requirements:

Owners/Operators will not engage, employ, or otherwise give a commitment of employment, to any individual to serve as a crew member unless the individual passes a chemical test for dangerous drugs.

2.2 Random Testing Requirements

Owner/Operators will provide for the selection of crew members for chemical testing for dangerous drugs on a random basis. Testing will be done by geographic locations of vessel operations. Selection of locations will be done using appropriate random selection methods and in conformance with applicable law and regulations.

2.3 Vessel owners/operators will ensure that crew members are tested on a random basis at an annual rate of not less than 50 percent.

2.4 Serious Marine Accident Testing (Post-Accident Testing)

VMSL requires that all persons directly involved in a serious marine incident are chemically tested for evidence of dangerous drugs and alcohol; see paragraph 1.1 Definitions for the definition of serious marine incident.

2.5 Reasonable Cause Testing Requirements

- VMSL requires any crewmember holding a license, certificate of registry, or merchant mariner's document issued by the flag state of the vessel, who is reasonably suspected of using a dangerous drug to be chemically tested for dangerous drugs.
- The owner/operator decision to test must be based on a reasonable and explainable belief that the individual has used a dangerous drug based on direct observation of specific, physical, or behavioral indications of probable use. Where practicable, this belief should be based on the observation of the individual by two persons in supervisory positions.
- When the owner/operator procedure requires testing of an individual under the provisions of this section, the individual must be informed of that fact and directed to provide a urine specimen as soon as practicable. This fact shall be entered in the vessel's official logbook.
- If an individual refuses to provide a urine specimen when directed to do so by the owner/operators representative under the provisions of this section, this fact shall be entered in the vessel's official logbook.

If an individual who does not hold a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual will be terminated.

An individual who has failed a required chemical test for dangerous drugs shall not be re-employable for a period of five (5) years from the test failure. VMSL may consider the individual eligible for re-employment prior to the five (5) year period if he successfully completes a formal drug rehabilitation program to the satisfaction of Owners/operators management.

2.6 Standards for Sample Collection and Testing

This section summarizes requirements for drug testing programs contained in those regulations. Those regulations should be consulted to determine the specific procedures, which must be established and utilized. Drug testing programs required by this procedure shall use only drug testing laboratories certified by the government of the local area of operations or the operating company.

- **Collection Site:** Owner/Operator will ensure that the collection site is adequate to provide for the collections security, temporary storage, and shipping of specimens to a certified drug-testing laboratory.
- Dedicated solely for specimen collection must be secure at all times. Collection sites, which are not dedicated solely for specimen collection, must be secured during specimen collection.
- **Access to authorized personnel only:** No unauthorized personnel shall be permitted in any part of a collection site when specimens are collected nor shall unauthorized personnel be allowed access to stored specimens.
- **Integrity of specimens:** Collection site personnel shall take precautions to ensure that each specimen is not adulterated or diluted during the collection process.
- **Privacy:** Procedures for collecting urine specimens shall allow for individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

2.7 Chain of Custody:

A chain of custody for each specimen to be chemically tested shall be established and maintained from the time of specimen collection through the testing of the specimen.

If a specimen is not immediately prepared for shipment, it shall be safeguarded during temporary storage. Every effort shall be made to minimize the number of persons handling specimens.

2.8 Specimen Handling and Shipping:

The Owner/Operator will ensure that an approved specimen collection and shipping kit is used to collect specimens and ship them to the certified drug-testing laboratory.

The Owner/Operator will ensure that specimens are promptly shipped to a certified testing laboratory. Chain of custody documents must accompany each specimen from the time of specimen collection through shipment to and testing by the laboratory. Specimens shall be shipped by an expeditious means.

3.0 Specimen Analysis:

Each specimen shall be analyzed for the following Dangerous Drugs:

Amphetamines
Phencyclidine (PCP)
Marijuana
and
Cocaine

A specimen that indicates the presence of a dangerous drug at a level equal to or exceeding the levels established from time to time by the owner/operator will be reported to the local Medical Review Officer as positive.

3.1 Specimen Analysis Reports:

The laboratory shall report all test results as required by the Owner/Operator policy. The laboratory will make reports within an average of five days after receipt of a specimen.

The laboratory reports as negative all Specimens, which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive are reported positive to the Medical Review Officer for a specific drug or drug metabolite.

3.2 Medical Review Officer:

An MRO will be appointed in by each owner/operator. This will be a qualified medical professional who will be responsible for review and interpretation of each confirmed positive test result.

If the MRO verifies a laboratory confirmed positive report, the MRO shall report the positive test result to the owner/operator and to VMSL.

3.3 Release of Information:

VMSL will not release individual test results or other personal information from anti-drug program records, unless required by law to do so.

Individual results from drug tests required by this policy may be released if the individual tested signs a specific authorization for the release of the results to an identified person.

Nothing in this procedure shall prevent an individual tested under this policy from obtaining the results of that test.

3.4 Record Keeping:

The owner/operator must maintain records of chemical tests, which the Medical Review Officer reports, as "positive" for a period of at least 5 years and makes these records available to VMSL officials upon request. The owner/operator must retain records of tests reported as "negative" for one year.

The records identify the total number of individuals chemically tested annually for dangerous chugs in each of the categories of testing, including the annual number of individuals failing chemical tests and the number and types of drugs for which individuals tested positive.

4.0 Employee Assistance Program (EAP)

Each Owner/Operator must provide an Employee Assistance Program (EAP) for crewmembers. The EAP include education and training on drug use for crewmembers and supervisory personnel.

5.1 EAP Education Program:

The EAP education program must include:

- Display and distribution of informational material;
- When available, display and distribution of a community service hot-line telephone number for crew member information and assistance, (In U.S. call 1-800-COCAINE/1-800-262-2463; 24 hours/day; 7 days/week) and
- Display and distribution of the company policy regarding drug and alcohol use in the workplace.



5.2 EAP Training Program:

Owners/Operators must conduct EAP training program for crew members and supervisory personnel. The training program includes the effects and consequences of drug and alcohol use on personal health, safety, and work environment; the manifestations and behavioral cues that may indicate drug and alcohol use and abuse; and documentation of training given to crew members and the supervisory personnel. Supervisory personnel must receive at least 60 minutes of training.

6.0 Conflict with Foreign Laws:

This procedure shall not apply to any person for whom compliance would violate the domestic laws or policies of another country.

7.0 Each Application must contain a certificate from the company showing that the applicant has been enrolled in its Vanuatu approved random drug testing program for the past 12 months. The certificate is valid for 90 days for the purpose of renewal. The certificate must be from the company that is requesting the renewal. New hires are required to have a drug test. Individual applicants not affiliated with a company having a random drug testing program are required to have a drug test. Companies need to forward a copy of their drug testing policy to VMSL for approval.

8.0 The contact details of this section are as follows:

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