

U.S. Department of
Homeland Security

United States
Coast Guard



Command
United States Coast Guard

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16705
August 3, 2011

SEACOR Marine LLC
Attn: R. Coco
7910 Main Street, 2nd Floor
Houma, LA 70360

Ref: SEACOR Letter request for waiver received February 17, 2011 via Email

Dear Mr. Coco:

Your request for a waiver under 46 CFR § 16.107 is hereby denied.

On February 17, 2011, you submitted in an email, information as a waiver request under 46 CFR § 16.107, that was previously considered and denied by CAPT J.S. Paradis, Chief, Prevention Division, 8th CG District. You requested a waiver of the chemical testing regulations for the M/V SEACOR COLUMBUS, which is currently operating in Brazilian territorial waters.

Your request for waiver from the requirements of 46 CFR Part 16 has been thoroughly reviewed to determine whether chemical testing regulations contravene Brazilian laws or policy. Documents submitted in your request fail to identify any reference to Brazilian law that prohibits drug testing in the workplace and on board US flagged vessels. As stated in the legal opinion provided by the office of Carl Kincaid, "Brazilian law is...silent as to the possibility of companies requiring their employees to take alcohol/drug tests."

Additionally, there is no indication in the case law presented by the law office of Carl Kincaid that voluntary drug tests are prohibited in Brazil.

M/V SEACOR COLUMBUS must come into full compliance with 46 CFR Part 16 within 30 days of your office receiving this notice.

If you have any questions, please contact Mr. Robert C. Schoening at 202-372-1033.

Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Fish".

D. S. FISH
Captain, Office of Investigations and Casualty Analysis
U.S. Coast Guard
By direction of the Commandant