

U.S. Department of
Homeland Security

United States
Coast Guard



8TH COAST GUARD DISTRICT FORMAL HEARING

Explosion and fire aboard Bouchard No. 255 Tank Barge resulting in loss of 2 lives and oil spill Oct. 20, 2017, in Gulf of Mexico near Port Aransas, Texas

Formal Hearing Fact Sheet

The United States Coast Guard is the nation's leading marine safety organization. One program the Coast Guard employs to promote marine safety is the investigation and analysis of marine casualties, or accidents. The Coast Guard conducts marine casualty investigations under the authority of 46 United States Code Chapter 63. Generally, these investigations are intended to document casualties, uncover their causes, and initiate necessary corrective actions.

Coast Guard marine casualty investigations range from the informal collection and tracking of information for minor accidents to formal hearings for accidents involving significant property damage, serious injury, or death. On average, the Coast Guard conducts 5,400 marine casualty investigations per year. The Commander of the Eighth Coast Guard District, located in New Orleans convened a District Formal Investigation to examine the events that transpired related to this accident.

District Formal Investigations are led by a Lead Investigating Officer with substantial marine casualty investigation experience, and are supported by qualified Coast Guard marine casualty investigators, technical experts, legal advisors, and other support personnel from units around the Coast Guard. Additionally, Coast Guard Formal Investigations often work cooperatively with the National Transportation Safety Board as is the case with this investigation.

The investigation will also designate Parties in Interest. These are persons or organizations who have a direct interest in the investigation, such as owners, licensed mariners, and other individuals whose conduct is under investigation. The primary role of a Party in Interest is to assist the Coast Guard with the fact finding portion of the investigation by exercising their limited rights to call and examine witnesses before the investigation. A Party in Interest may also be represented by counsel.

Formal investigations have power to administer oaths, issue administrative subpoenas to require the production of relevant books, papers, documents or other evidence, and to summon witnesses for testimony. Testimony at a Formal Hearing is open to the public, unless it involves classified information or other information potentially affecting national security.

Following completion of the evidence gathering phase of the investigation, including the public hearing, the investigation will carefully evaluate all evidence to determine, as closely as possible:

- The cause of the accident;
- Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;
- Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated person contributed to the casualty, so that appropriate proceedings against the license or certificate of such person may be recommended and taken under 46 U.S.C. 6301; or
- Whether there is evidence that any Coast Guard personnel or any representative or employee of any other government agency, or any other person, caused or contributed to the cause of the casualty.

At the completion of the investigation, the Investigation will prepare a Report of Investigation containing findings of fact, causal analysis, conclusions, and safety recommendations. Safety recommendations propose corrective actions, such as regulatory changes, to prevent future casualties. The report will be released to the public once approved by the Commandant of the Coast Guard. An archive of past major Coast Guard investigation reports is available online at <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Office-of-Investigations-Casualty-Analysis/Marine-Casualty-Reports/> .