

Office of Regulatory Management
Economic Review Form

Agency name	Board for Branch Pilots
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC45-20
VAC Chapter title(s)	Board for Branch Pilots Regulations
Action title	Amend Reporting Requirements
Date this document prepared	May 8, 2023 (revised June 29, 2023, and July 2, 2024)
Regulatory Stage (including Issuance of Guidance Documents)	Final (Action 6001 / Stage 10410)

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Under the current regulation, regulants are subject to chemical testing as a requirement to receive an initial license, renew a license, extend a route, or in any incident involving a vessel. The regulation provides that the chemical test is a comprehensive drug screen acceptable to the Board.</p> <p>In addition to the current requirement under the regulation, individuals performing the duties of a branch pilot must undergo a chemical test in order to qualify for the Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard. An individual must possess this credential in order to become licensed as a branch pilot.</p> <p>Drug screens currently used to test regulants include testing for the presence of marijuana.</p> <p>The proposed change clarifies that an MRO must report when the presence of marijuana that may impair a pilot’s safe discharge of their duties is found. The proposed change clarifies that a pilot’s performing or attempting to perform duties while under the influence of marijuana may be a basis for action by the Board.</p> <p>Direct Costs: There are no additional monetizable direct costs associated with this change. Regulants must already bear all costs associated with chemical testing.</p> <p>Direct Benefits: There are no monetizable direct benefits associated with this change.</p> <p>Indirect Costs: There are no monetizable indirect costs associated with this change.</p> <p>Indirect Benefits: There are no monetizable indirect benefits associated with this change.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) \$0</p>	<p>(b) \$0</p>
<p>(3) Net Monetized Benefit</p>	<p>\$0</p>	
<p>(4) Other Costs & Benefits (Non-Monetized)</p>	<p>Costs: There are no anticipated non-monetizable costs associated with this regulatory change.</p> <p>Benefits: It is anticipated that this regulatory action will benefit the public by (i) clarifying to regulants and to the public that marijuana is</p>	

	<p>reportable in random drug tests; and (ii) clarifying the Board has a basis to take action if a pilot were to test positive for marijuana, to include denial of a license, denial of renewal of a license, or disciplinary action.</p> <p>Acute intoxication from marijuana is associated with impairment of working and episodic memory, behavioral disinhibition, and impulsivity, which can affect performance in real-world activities. These include piloting of ships.</p> <p>Maritime incidents, to include collisions and groundings, can have significant economic consequences. These include, in the case of ship groundings, the costs of restoration of aquatic habitat, dredging a ship out of a waterway, costs to tug the grounded vessel, labor hours and resources of federal, state, and local agencies to refloat a vessel. In addition, there also potential costs borne by shipping companies and the customers whose cargo, if any, are carried due to incidents. These include damage to vessels, lost cargo, and delayed loading or unloading of cargo. Moreover, incidents may result in personal injury to individuals, or potential loss of life.</p>
(5) Information Sources	<p>https://www.ahajournals.org/doi/10.1161/STR.0000000000000396 Curran HV, Freeman TP, Mokrysz C, Lewis DA, Morgan CJ, Parsons LH. Keep off the grass? Cannabis, cognition and addiction. Nat Rev Neurosci. 2016; 17:293–306. doi: 10.1038/nrn.2016.28 CrossrefGoogle Scholar</p>

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no new monetizable costs associated with maintaining the status quo.</p> <p>Baseline Cost:</p> <ul style="list-style-type: none"> • DOT Panel 5 Urine Test - \$80.00 • Assume all regulants are tested at least once a year. • Cost of test (\$80.00) x Number of regulants (38) = \$3,040 per year. <p>Direct Benefits: There are no new monetizable benefits associated with maintaining the status quo.</p> <p>Indirect Costs: There are no new monetizable indirect costs associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no new monetizable indirect benefits associated with maintaining the status quo.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	There are no new non-monetizable costs or benefits associated with maintaining the status quo.	
(5) Information Sources	<p>1. Board for Branch Pilots program staff.</p> <p>2. National Maritime Center. https://www.dco.uscg.mil/nmc/drug_testing/ https://www.dco.uscg.mil/Portals/9/NMC/pdfs/drug_testing/drug_test_requirements.pdf (Accessed June 29, 2023).</p> <p>3. U.S. Drug Centers. https://www.usdrugtestcenters.com/order-test.html (Accessed June 29, 2023).</p>	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>The Board determined it was imperative to ensure that marijuana was included in the testing for an incident, extension of route, initial or renewal of a license, or random test screens. A branch pilot who is impaired by any substance poses a risk to not only the commercial cargo ship he the pilot is piloting, but to also, the crew, any citizens using the waterways, and the port.</p> <p>No viable alternative to the regulatory change could be identified.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	N/A	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	There are no local partners that would be affected by these changes.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	N/A	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	There are no families that would be affected by these changes.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	N/A	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	Refer to Box #3.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p>Branch pilot licenses are issued to individuals. Licensed branch pilots are self-employed, but are assigned work through the Virginia Pilot Association. The Virginia Pilot Association does not assume the cost of required random drug testing.</p> <p>To the extent licensed branch pilots are independent contractors, and considered to be business entities, these entities may fall within the meaning of “small business” as defined in § 2.2-4007.1 of the Code of Virginia.</p> <p>As described in Table 1(a), this action does not impose any additional direct or indirect costs.</p>	
(4) Alternatives	N/A	
(5) Information Sources	N/A	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
20-40	(M/A):	0	0	0	0
	(D/A):	2	0	0	0
	(M/R):	0	0	0	0
	(D/R):	23	0	0	0
20-50	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	28	0	0	0
Grand Total of Changes in Requirements:					(M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
N/A	N/A	N/A	N/A	N/A

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
N/A	N/A	N/A

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length
N/A	N/A	N/A	N/A