

**Maritime Exchange for the Delaware River and Bay**  
Agents/Operators Committee Meeting  
March 22, 2005  
Draft Minutes

**Attendees:**

Banacol Marketing	Sandy Daniel	US Coast Guard	Eddie Lesane
Biehl & Co.	Steen Pedersen		Jonathan Sarubbi
GAC Rice, Unruh	Tom Johnston	US CBP	Nieves Cardinale
Hual North America	Thomas Witkowski		Joanne Coughlin
Indotrans/Montship	Barrie Smith		Hal Fingerman
Kerr Norton Strachan	John Murphy		Robert Jordan
Manatee Marine	Kevin Godfrey		Ivan Lebron
Maritime Exchange	Lisa Himber		Michael Lovejoy
	Darleen Michalak		Al Martocci
	Dennis Rochford		Dan Sedley
T. Parker Host	James Taylor	CBP-Agriculture	Dave Farmer
Terminal Shipping	Rob Herb	FDA	Joseph Brady
US Coast Guard	Chico Knight		

Darleen Michalak, Maritime Exchange, welcomed the group and led introductions.

Tom Johnston, Committee Chairman, proceeded with the agenda items.

**CBP Updates:**

New National Boarding Policy: Effective January 31 the new boarding policy combines Agriculture, CBP and Immigration boarding functions. Although entrance/clearances are being completed under the one umbrella, cross training will take an additional two to three months for vessel boarding functions.

Vessel Central: Vessel Central was established to centralize decision-making concerning vessel boardings in accordance with the Customs National Boarding Policy. Robert Jordan is in charge of Vessel Central. Vessel Central will be staffed on a 24/7 basis. Port of Wilmington arrivals were consolidated into Vessel Central in February, however CBPF 3171s (Application-Permit-Special License-Unlading-Lading-Overtime Services) submissions are still done by the Port of Wilmington, not Vessel Central. Currently, Agriculture is a separate phone call, but this will be consolidated in the future.

Radiation Portal Monitor (RPM): Stationary RPM booths will monitor radiation as the truck drives through the booth at terminals. In the event the alarm sounds, a walk-around with hand detection instruments will be conducted as a further check. RPMs will be staffed during normal terminal operation hours. Plans are expected to expand locations for radiation monitor booths for vessel entrance/clearance by appointment. The first booths will be available at Wilmington,

Penn Terminals, Packer Avenue and Tioga possibly as early as May at one or more of those locations.

National Guideline for High-risk Crewmembers: A Memorandum of Agreement between the US Coast Guard and US Customs and Border Protection was signed in December regarding the detention of certain high-risk crewmembers. Some criteria for a being a high-risk crewmember is not having proper documentation or being a citizen of one of the 25 countries listed in the January 16, 2003 Federal Register, among a variety of other reasons. If a high-risk crewmember is detained on board, the vessel line will be responsible to implement a crew security plan, which may require the use of an armed guard. It was noted that most terminals would not permit armed guards except police or CBP, especially oil refineries. CBP/CG responded that they will work with industry as they implement the national policy. The Committee requested CBP/CG provide a summary of the new policy for comment prior to implementation.

It was reported that clearing of crew at anchorages is performed by Dover personnel instead of at the airport or at the port. The committee expressed appreciation for this as it eliminates additional trips to other locations.

Automated Export System (AES): A notice of proposed rulemaking was published in the February 17, 2005 Federal Register to require mandatory filing of export information through the AES or through the AES Direct for all shipments where a Shipper's Export Declaration (SED) is currently required. Comments on the proposed rulemaking will be accepted before April 18, 2005. The notice was posted to the Exchange web site at [http://www.maritimedelriv.com/Port\\_Security/Census/Census.htm](http://www.maritimedelriv.com/Port_Security/Census/Census.htm). Lisa Hember encouraged the committee members to review Subpart H, which outlines new manifesting requirements.

New Wood Packing Requirements: The final rule published in the September 16, 2004 Federal Register amends regulations for the importation of unmanufactured wood articles to adopt an international standard entitled "Guidelines for Regulating Wood Packaging Material in International Trade" and is effective September 16, 2005. The standard calls for wood packaging material to be either heat treated or fumigated with methyl bromide, in accordance with the guidelines, and marked with an approved international mark certifying treatment. If the material is not stamped, it will be destroyed or re-exported. Every country is on-board with the new regulations. Hal Fingerma offered assistance with the requirements to the Dunnage Work Group. Committee members should contact Darleen Michalak if they are interested in participating in this meeting. The rule was posted to the Exchange web site at [http://www.maritimedelriv.com/Port\\_Security/USDA/USDA.htm](http://www.maritimedelriv.com/Port_Security/USDA/USDA.htm).

### **Coast Guard Updates:**

National Maritime Security Advisory Committee (NMSA): The advisory committee, as mandated by the Maritime Transportation Security Act of 2002, is charged to provide advice to the Department of Homeland Security on matters such as national maritime security strategy and policy, actions required to meet current and future security threats, international cooperation on security issues, and security concerns of the maritime transportation industry. Lisa Hember, Vice Chair of the committee distributed a questionnaire to the Agents/Operators Committee for

comments to be discussed with four working groups involved with the NMSA and asked for the group's assistance.

CG/CBP Joint Boardings: A CG committee is looking at procedures and other agencies participating in vessel boardings. It was noted that joint CG/CBP boardings on the Delaware River are working. Any insight from Maritime Exchange members and agencies are welcome. CG noted that the number of boardings have increased. Ships are being targeted that were not before. Technically they should be boarded offshore, although CG sometimes allows the vessel to anchor prior to boarding.

Non-Compliant IMO Countries: Effective May 23, 2005, all vessels, including US flag vessels that visited a country listed as IMO non-compliant during their last five port calls must take compliance action or they will be denied entry into US ports. Port Security Advisory (1-05) dated February 28, 2005 is posted to the Maritime Exchange web site at [http://www.maritimedelriv.com/Port\\_Security/USCG/USCG\\_security.htm](http://www.maritimedelriv.com/Port_Security/USCG/USCG_security.htm).

Discharge of Cargo Stopped: It was reported that sometimes the discharge of cargo is stopped for inspection purposes which is a great expense. CG assured that if cargo discharge is halted, it is for security or safety reasons.

Capt. Jonathan Sarubbi, COTP, US Coast Guard: It was announced that Capt. Sarubbi will be retiring. The Agents/Operators Committee thanked Capt. Sarubbi for his commitment to the Delaware River port community and wished him well on his future endeavors.

**Other Agencies Updates:**

Other Agencies reported no updates or changes.

The next Agents/Operators Committee meeting will be held in the fall.