

Maritime Exchange for the Delaware River and Bay
Agents/Operators Committee Meeting
September 22, 2004
Draft Minutes

Attendees:

Barwil Agencies	Steve Nutter	Seamen's Church	Rev. Jim Von Dreele
Biehl & Co.	Steen Pedersen	T. Parker Host	James Taylor
Del Valley Marine	George Bonsall	Terminal Shipping	Rob Herb
GM Richards	Rodney Richards	US Coast Guard	Jonathan Sarubbi
Inchcape Shipping	Keith Murray		Jake Hobson
Manatee Marine	Kevin Godfrey		Kyle McAvoy
Maritime Exchange	Lisa Himber	US CBP	Al Martocci
	Darleen Michalak	CBP-Agriculture	Hal Fingerman
NSA Agencies	Russ Gaffney		Colleen Kitzmiller
Rice, Unruh	Tom Johnston	FDA	Ron Colucci
Reynolds	Steven Johnston	Western Fumigation	Miriam Borja
Ruggiero & Ogle	Scott Riepen		

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

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

US Coast Guard Issues/Updates:

Advance Notice of Arrival (ANOVA): The ANOVA, effective July 1, is operating with a 10% error rate as compared with a 50% error rate a year ago. To date, the information CG is receiving is generally accurate and on time. Ships are denied entrance if proper ANOVA information is not on file, and five/six vessels were denied entrance on the Delaware River since July 1. CBP, ICE and CG use the ANOVA information for screening security risks. Certain information such as crew list and cargo information is critical. ANOVA information may be sent incomplete with an update following, as long as the critical information is received. The 96-hour count down starts when major and critical ANOVA information is received.

A question was raised regarding instances in which a vessel has unclear orders – does it still has to wait 96 hours after the ANOVA is sent? CG answered yes, vessels with unclear orders are still subject to the 96-hour requirement. Short transits must be submitted at sailing from the last foreign port.

Another question was raised regarding the CG calling the agent numerous times about an anticipated Delaware River vessel arrival. The Exchange advised that if the agents keep the vessel information updated through the Exchange's Maritime On-line system, the CG could have the most up-to-date movement records of the vessel, and would not have to contact the agents.

Electronic Notice of Arrival (ENOA): The ENOA will satisfy both CBP and CG through one document. Two different templates will be available to submit the ENOA; an email with an attachment - MS Excel version 2003 or MS Infopath version 2003 or later. Once the templates are available, the Exchange will forward them to the Agents/Operators Committee. There may be a two/three month trial period and no mandatory submission date has been announced. The Exchange is evaluating the incorporation of downloads from the CG for ENOA.

Vessel Targeting/Boardings: CG issued the ISPS/MTSA Security Compliance Targeting Matrix which allows the COTP to identify vessels at risk for non-compliance of required security standards. The matrix system evaluates five factors related to a vessel's compliance or non-compliance: ship management, flag state, recognized security organization (RSO), vessel security regulation compliance history, and the vessel's last five ports of call. These criteria are used to determine whether the CG will board the ship at dock or offshore. Each vessel will be assigned a priority: ISPS I, II, or III. ISPS I vessels will be boarded prior to entry in port (usually at Big Stone Anchorage), ISPS II vessels will be boarded pier-side and ISPS III vessels will be subject to random pier-side boardings. Unless specifically directed otherwise, vessels designated ISPS II or III may conduct cargo operations upon arrival. It was noted that CG tries to limit unannounced boardings, but there are times when these types of boarding are necessary and it is done in conjunction with CBP.

It was noted that the scheduling of ship boardings can be a problem when the ship draft and tides are an issue. CG will consider anchorage boardings but in the meantime agents were instructed to contact the CG arrival desk to work through any difficulties.

Facility Security: Facility security plans and guidelines are in place requiring procedures that allow on/off access to the ship. Some terminals require the Captain of the ship to escort people to go ashore and have begun accessing fees for entrance to the terminal, vehicle searches, and bunkering. CG reminds facilities that the ship still needs to do business at the docks. Reinforcement and standardization of facility processes are needed to accomplish maritime business in the port. The Seamen's Church Institute is also working to help achieve this goal, particularly as it relates to seafarer's access.

Credentialing of Federal Officials: An MSIB was issued on September 21 detailing the procedures the USCG, US CBP and US Immigration and Customs Enforcement will follow when accessing commercial vessels or facilities when performing law enforcement duties. MSIB #35-04 is available on the Exchange website at www.maritimedelriv.com/Port_Security/USCG/USCG_Port_Security.htm. Capt. Sarubbi noted that although US requirements may conflict with the Vessel Security Plan (VSP), the vessel must comply with federal regulations.

CBP-Agriculture

Requests of Hardcopy Manifests: CBP-Agriculture requires hardcopy manifests for certain bulk cargo ships. If they do not have a have the hardcopy manifest, the entire ship would have to be put on hold, and await hold removals for release in AMS. Hal Fingerma suggested calling his office to work out any difficulties with respect to the hardcopy manifest. Currently only one

committee member had raised the concern; the agent and CBP were able to come to a satisfactory agreement.

CBP

CF 1300 and CF 3171 Faxing Capabilities: CBP requires hand delivery of the original signed CF 1300 and CF 3171. CBP does not rule out faxing of the 3171, but at this time does not believe it can handle the processing of these faxes internally. The CF 1300 cannot be faxed.

Inbond Entries/Partial Quantities: Recently the Automated Brokers Interface (ABI) system was enhanced to allow the capability to enter partial quantities on a bill of lading for an inbond shipment. The same capability is not available in the Automated Manifest System (AMS). CBP acknowledged this is a CESAC issue which the Exchange will discuss at the November committee meeting.

BAPLIE: CBP is considering asking container carriers to submit a copy of stow plans voluntarily. Lisa Hember advised there will be a meeting in October with more specific information which we will forward to the committee as we receive it.

Automated Export System (AES): Mandatory electronic export manifest filing is currently being evaluated. A proposed rule on AES is expected in the fall possibly allowing for a 60-day comment period, and the final rule is expected in the spring of 2005, with a 90-day compliance period.

Panama Canal Electronic Data Collection System (EDCS) Interface: Effective July 1, all information required for transiting the Panama Canal must be submitted through the EDCS web page 96 hours prior to arrival at Panama Canal waters. If Panama Canal electronic manifest filing is an issue through the web site, let the Exchange know, and we will determine if this can be included in Maritime On-line.

CBP-Immigration

Inspectors Arrival Time: The concern was raised that Inspectors do not seem to understand the urgency for a vessel to get underway especially when the vessel is a deep draft, fully loaded tanker. Inspectors sometime arrive late disrupting the vessel schedule. Al Martocci will follow-up with Nieves Cardinale and Michael Lovejoy.

Overtime: It was reported that charged overtime is an issue for Immigration boardings. CBP requested specific instances to help identify a trend.

Gangway Guard Issues/Detainees on Board from a Previous Port: Need a national policy for consistency in all ports. CBP noted that they are not always qualified to enter/clear a vessel during boarding. Al Martocci will follow-up.

FDA

Prior Notice (PN) Update: FDA reported no updates or changes.

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