

Maritime Exchange for the Delaware River and Bay

Agents/Operators Committee Meeting

September 18, 2006

Minutes

Attendees:

Banacol Marketing	Sandy Daniel	NSA Agencies	Russ Gaffney
	Michael Hale	T. Parker Host	Jim Taylor
Barwil Unitor Ships	Steve Nutter	US Coast Guard	David L. Scott
GAC Rice, Unruh	Tom Johnston		Kyle McAvoy
Hoegh Autoliners	Tom Witkowski		Jonathan Byar
Inchcape Shipping	April Hale		Lamont Bazemore
	Gerry McDevitt	US CBP	Al Martocci
Kerr Norton Strachan	John Murphy		Ivan Lebron
Manatee Marine	Jennifer Henry	USDA	Darryl Moore
Maritrans	Fred Dabritz		Colleen Kitzmiller
Maritime Exchange	Lisa Hember		
	Darleen Michalak		
	Dennis Rochford		

Tom Johnston, GAC Rice Unruh Reynolds, Committee Chairman welcomed the group and led introductions.

CBP and USCG Updates:

Vessel Boarding Guidelines at Bigstone Anchorage: There is confusion about actual boarding policies prior to inspections which deny boarding essential personnel to perform operations such as lightering surveyors, shoreside superintendents, repair technicians, and crew that need lead time to pass over responsibilities in order to have a clean turnover of vessels.

Al Martocci stated that by law and regulation nothing will interfere with CBP processing of the crew. CBP is responsible for processing crew and CG is responsible for vessel control. Mr. Martocci further stated that CBP considers crew issues on a case-by-case basis. He acknowledged that CBP may be over-zealous on occasion, but considers that these instances are few and far between. CBP will continue to consider requests for allowing persons to board prior to crew inspection, but wants justifiable reasons for crew and others boarding/leaving the vessel prior to immigrations processing.

The Committee agreed that there are three types of personnel who will generally be granted authorization to board a ship prior to crew processing: 1). Lightering coordinators – persons who oversee connections, surveyors, shore-side supervisors, and when necessary, owners representatives whose work will span a longer period of time than a ship may remain a dock; 2) Service Providers – such as repair technicians; and 3) Incoming crew members whose job

functions require that there be lead time to transition duties. It is possible that other crew members boarding to replace repatriated crew may be granted authority to board at the Bay, but it must be clearly demonstrated that the incoming crew members are critical to the safety of the vessel.

In any case CBP requires all such requests must be submitted in writing (an email or fax is acceptable) to Vessel Central. The more information an agent can provide as to the essential nature of the request, the easier it will be for CBP to make an informed decision and provide an appropriate response.

Mr. Martocci reminded agents that they should contact Dan Sedley at 215/717-5861 any time they believe the response from Vessel Central is inappropriate.

The committee reported that response time from Vessel Central was not timely during weekends.

CBP agreed that a reasonable response time would be within four hours.

It was also noted that during weekends, CBP Tactical Ops supervision is cut from four supervisors to one. Faxing Vessel Central is still the best contact and make sure the requests are timely. Try to get paperwork in by Friday for the weekend. After hours, agents should contact the Sector Tactical Operations to get in touch with the Duty Officer.

The committee responded that this is not always helpful for getting a connection the Duty Officer. Often the call is routed to the wrong port.

CBP stated that if a mistake like that happens, simply call back the number for correct routing of the call.

The following contact numbers were provided by CBP:

Paul Nardella 215-717-5835

Dan Sedley 215-717-5861

Vessel Central 215-717-5950

Tactical Operations 1-800-XSECTOR (973-2867)

eNOA/D/APIS – CBP fines issued after NVMC accepts/approves eNOA/D: Ms. Humber reported on behalf of a member who could not make the meeting that agents are seeing an increase in CBP fines untimely or inaccurate NOA/Ds, both locally and throughout the US. When the NOA is filed, authorization to proceed is granted by Coast Guard and preliminary entry is granted by CBP. CBP may then subsequently issue fines, yet the filer did not know anything was wrong because the NVMC had accepted/approved it and CBP authorized cargo vessel/cargo operations.

Mr. Martocci reported that for inbound transmissions, Philadelphia is tracking at 100% compliance for timeliness. He notes that most of the violations are related to notices of departure

(currently required not later than 15 minutes prior to departure; this will be changed to one hour in October).

He stressed the fact that that when a notice of arrival is filed in a timely manner, CG authorizes the vessel to proceed, and CBP grants preliminary entrance. The data sufficiency review may not be completed at that time. In many cases, CBP cannot confirm data accuracy until inspectors board the ship.

The Committee also discussed procedures to be followed in the event a filer's system is down (procedures to follow, if the CBP/CG systems are down, are posted in the various FAQ/Guideline documents). In extreme circumstances, CBP and CG will accept paper in the event of transmission problems.

Coast Guard Update:

Security Boarding Protocol at Cape Henlopen: The committee requested the protocol on whether a vessel will be held at Breakwater or sent to Bigstone Anchorage, if the vessel will need a launch scheduled and other guidelines.

Capt. Scott responded that unless there are particular safety concerns, security boardings should take place at Breakwater. Typically the vessel is required to anchor at Breakwater while the boarding is conducted (approximately 2 to 2.5 hours). Normally, the boarding team rides a Pilot launch out to Breakwater and rides back from Breakwater on another launch when the boarding is completed. If the vessel is going to Bigstone, then the boarding team will board the vessel at Breakwater via a Pilot boat and then may allow the vessel to transit to Bigstone as they conduct the boarding. This is a case-by-case determination based on a security assessment. Once the boarding is complete, the boarding team will disembark at Bigstone. If a vessel needs to proceed up river due to the tide, the boarding team may agree to conduct their boarding while allowing the vessel to proceed up river (again, case-by-case based on any security concerns). When the boarding is complete, the boarding team will disembark mid-stream via launch. The Coast Guard's primary goal is to ensure the security of the port while maximizing the facilitation of commerce.

Problems may arise when two agents are involved in a single vessel call. Often, there is one agent representing the vessel owner's interest and another representing the charterer. Generally the charterer's agent is listed in the NOA/D, but the owner's agent should be notified of the security boarding so he can make the appropriate arrangements for transportation. Coast Guard acknowledged that they have no way to determine if any other agent should be contacted. The committee requested that the CG contact the Maritime Exchange for the agent of record. Ms. Humber reminded the group that the Exchange does not receive copies of all NOA/Ds for Delaware River port movements from the Coast Guard, like they receive copies of cargo manifests from CBP. If Coast Guard would provide this functionality, the Exchange could review notices of arrival to determine if the agent listed on the NOA is different from the agents of record and proactively notify the Coast when necessary.

The Exchange also has the latest Authorized to Proceed (ATP) list for any agent requiring that information. Contact the Maritime Exchange Operations Department at 215-925-1524 or ops@mxops.org.

CBP Updates:

Elimination of Advance Paper Crew Manifests: Although Enforced Compliance of the electronic crew/passenger manifest began almost one year ago, local CBP still continues to require paper copies. In order to effectively verify compliance, CBP compares the paper document against the electronic transmission.

Mr. Martocci indicated that this was never a requirement but believes that many agents continue to submit advance paper copies by habit. CBP has now instructed Vessel Central to depend more on the electronic copy. It is completely voluntary to fax the hard copy.

Forwarding Departure Crew List to the Next Arrival Port:

The departure crew list is filed at the last U.S. port on a voyage before the vessel leaves for foreign. It is also necessary the CBP at the first U.S. port receives a copy of the departure crew list. On behalf of the Committee, Mr. Taylor reported that there is some confusion as to who is responsible for providing that copy (e.g., the agent at the first port [agent1] or the last [agent2]). By regulation, the agent at the first port must provide this copy to CBP. Generally, when agent2 is asked by the agent at the first port for copies of the paperwork, agent2 will provide this as a courtesy. Yet this requirement (that agent2 send copies back to the first port) is not printed on the form, and therefore it is not a standard procedure.

Mr. Taylor requested that the form be changed to reflect the reporting requirements.

Mutual Cooperation between Vessel Central/Vessel Agents: The Committee agreed that a particular CBP officer at Vessel Central causes high levels of stress to vessel agents, to the point that agents do not even want to call the Vessel Central office.

Mr. Martocci agreed to look into the situation.

Vessel Arrivals in AMS: At the August '06 Customs Electronic Systems Action Committee (CESAC) meeting, CBP stated that there are over 10,000 vessels in AMS that actual arrival dates/times have not been electronically submitted. CBP indicated that they will be contacting carriers to submit the arrival information and possibly begin holding back release information on future vessels until arrivals are complete. The Maritime Exchange has begun contacting TRACS carriers with overdue arrival information in order to help them become compliant.

Armed Guards: A committee member questioned why a vessel would need armed guards if it had arrived in port at another time and did not require armed guards.

CBP requires armed guards if they have information such as a high risk crew member or stowaway on board. There are localized differences (such as the particular facility, or history of

the vessel in a particular port), which may result in a guard requirement in one port even if it had not been required in a previous port on the same voyage.

If the terminal/facility does not allow armed guards, CBP will accept an alternative plan. The Port Director has flexibility with requiring armed guards.

Adjournment: The next Agents/Operators Committee meeting will be held in the spring of 2007.