

# AREA MARITIME SECURITY COMMITTEE

## Port Business Operations Sub-Committee

### Meeting Minutes

April 30, 2009

#### **I. Welcome and Introductions**

The meeting was called to order at 10:03 am by Chair Lisa Hember, and participants introduced themselves. A list of attendees is attached.

Ms. Hember briefly discussed the Strategic Risk Management Plan and the sub-committee's role in filling some of the identified gaps. The AMSC Managing Board has agreed to contract with TetraTech for follow on activities, and the sub-committee will work with TetraTech as part of that effort.

#### **II. Discussion Items**

- A. Advanced Notice of Proposed Rulemaking/TWIC Readers – The discussion focused on the various components of the TWIC ANPR published on March 27, 2009. Lisa Hember will reiterate the key discussion points in the form of a letter to the Coast Guard docket; this will be provided to sub-committee members in draft form for review and comment. If necessary, the sub-committee will convene again by conference call to finalize prior to the May 26 comment deadline date. The letter will be sent from the Maritime Exchange, and members will be able to use the text as the basis for their own letters to the docket.

In summary, the members:

- support the Coast Guard's risk-based approach to reader implementation, but do not believe the use of the defined Risk Groups will work in practical application; alternatively individual vessel/facilities should make their own determinations with regard to when and how often to conduct biometric checks, hotlist checks, etc, through updates to their plans;
- do not support the use of PIN numbers for access control at any MARSEC level;
- agree with the proposals regarding security plan amendments;
- disagree with the concepts in the Recordkeeping Requirements section; and
- do not agree that CG or third-party validation of reader compliance (e.g., is it calibrated properly, being operated in conformance to manufacturer instructions, etc.) is necessary.

- B. Escort Training – Prior to the meeting, Ms. Himber distributed a letter from the Federal Maritime Security Coordinator to Area FSOs/VSOs and a template TWIC training policy drafted by Rev. Von Dreele of the Seamen’s Church Institute. These are attached hereto and incorporated as part of these minutes.

At issue is the requirement that anyone approved to be an escort for a non-TWIC holder must undergo security training at each facility. For the SCI, vessel agents and others who might need to escort non-TWIC holders, the requirement for each employee to undergo training at each facility is overly expensive and burdensome. Rev. Von Dreele requested that facility operators utilize the template as a training “manual,” modify it with their own local information, and include its use in their plans.

Some facilities have already successfully incorporated this type of program. Jay Jones indicated that South Jersey Port Corp provides a similar document, which individuals sign after reading. SJPC then adds the names to an “approved escort list” which is provided to the facility gate.

The members present agreed that that using the training document in lieu of a formal face-to-face training session meets the intent of the regulation and is preferable to attempting to coordinate individual sessions.

Ms. Himber and Rev. Von Dreele will develop a resolution adopting this as protocol and submit it to the AMSC Managing Board at its May 15 meeting.

Also discussed was the need for SCI, agents and others to have a list of FSO contact info for each facility. Mr. Warwick indicated that the FSO list is marked as security sensitive, but he would follow up to determine whether it could be distributed.

Ultimately, members agreed that providing individuals with a list of each facility’s 24-hour security contact numbers would be more beneficial. Members are to send their information to Lisa Himber, who will create the list and distribute it to the sub-committee members and others in the port community who have a need for the information.

### **III. New Business**

There was no new business.

### **IV. Adjournment**

The meeting adjourned at 12 noon.

# TWIC Escorting and Security Awareness Training Pamphlet

## TWIC Escorting

All persons seeking unescorted access to any terminal in the USCG's Sector Delaware Bay must possess a valid Transportation Workers Identification Credential (TWIC) to gain access to a marine facility.

All persons must have a legitimate business need and permission from the marine facility to gain access. An approved visitor with a TWIC card will not need an escort and may proceed directly to the gate for a visitor badge.

**Non-TWIC** holders, however, **must be** escorted by an authorized TWIC holder who possesses both a TWIC and facility credential (if required).

The **Escort** will ensure that all non-TWIC holders are signed in with the gate guard and are issued an appropriate badge, if they do have a facility ID badge. The escort will also insure that the non-TWIC holders are in possession of a valid photo identification. The visitor/escort will surrender the badge when the visitor exits the terminal.

The **Escort** will ensure that escorting procedures are followed.

There are two types of areas in a terminal: secure access and restricted access. Restricted access areas are generally the marine docks, tank storage areas and offices. All other areas within the fenced property may be defined as secure access areas.

**For Secure Access Areas: One escort is required for every 10 non-TWIC holders.**

**For Restricted areas: One escort is required for every 5 non-TWIC holders.**

Escorting requires side by side accompaniment or at least line of sight contact to monitor the escorted individual's actions.

Escorting ratios do not apply when non-TWIC holders are transported in an enclosed vehicle. In this case, one TWIC holder who is driving or riding in the vehicle can escort any number of passengers as long as they are not allowed to depart the vehicle.

The Escort must contact terminal security or the Facility Security Officer (FSO) if he/she loses contact with his/her visitor or the visitor is observed engaging in unlawful or suspicious activity. **WILL NOT** attempt to physically detain or stop the escorted individual(s).

TWIC escorting privileges are granted at the sole discretion of the marine facility for a period of time determined by the facility. The facility reserves the right to deny granting privileges or to suspend, revoke or deny renewal of escorting privileges previously granted.

Although the sponsoring agency providing a TWIC escort is responsible for the actions of both its visitor and the escort, ultimately the marine terminal is responsible for violations. Any escort who

fails to perform satisfactorily may be required to leave the facility and may be disqualified from conducting escorts in the future.

Furthermore, said person shall be liable for the payment of any fine levied by the United States Coast Guard (USCG). While on the facility all TWIC holders must be able to present a valid TWIC within ten (10) minutes to the USCG or the facility personnel. Persons unable to produce a valid TWIC will be escorted off the facility and may be subject to criminal prosecution. The facility may, in its sole discretion, ban any person for any period of time for violation of federal laws or facility rules and regulations. Those persons who violate access control procedures may be subject to arrest, prosecution and/or loss of facility access privileges.

## Security Awareness

Potential intruders may attempt to gain information about facilities and activities to identify patterns and routines, assess vulnerabilities, target selection and choose the time, place and means of an attack. A possible indicator of unauthorized surveillance is a person drawing a diagram, taking detailed photographs or video of

- Camera locations
- Access points
- Perimeter fence
- Location of personnel
- Traffic patterns
- Buildings
- Roadways

Suspicious activity is best described as activity that is unusual or out of place for a particular environment. Examples are:

- Persons without proper badges
- A person running in a tank field
- Briefcase or suitcase left unattended (suspicious packages)
- Persons taking photographs of the facility
- Boaters within 75 yards of the docks.

## Maritime Security Levels (MARSEC Levels)

Security levels are layered to properly handle security threats. As the MARSEC Level increases, the security measures at the port increase. Example, there will be an increase in vehicle screenings and restriction to visitors, depending on the MARSEC Level. Signs at access points advise of the current MARSEC Level.

**MARSEC Level 1** – Minimum appropriate security measures in place at all times.

**MARSEC Level 2** – Additional measures to Level 1 for Heightened Risk

**MARSEC Level 3** – Further specific protective measures above Levels 1 & 2 for a **PROBABLE or IMMINENT THREAT**.

I, \_\_\_\_\_ of \_\_\_\_\_ (company) certify that the ship visitors listed below are authorized to visit ships and provide seafarer transportation for shore leave as a TWIC Trained Escort and they understand the requirements and duties of this obligation and will perform the aforementioned duties to the best of their ability and will notify facility security personnel of any non-conformities while performing these duties.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

**(Company name) TWIC Trained Escorts:**

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Sector Delaware Bay

One Washington Avenue  
Philadelphia, PA 19147  
Phone: (215) 271-4864  
Fax: (215) 271-4892

16600  
24 April 2009

Dear Facility Security Officer:

We are now into our fourth month of compliance with the Transportation Worker Identification Credential (TWIC) requirements for facilities regulated under the Maritime Transportation Security Act (MTSA). I appreciate the good faith efforts that you and your company have made to date to comply with these challenging requirements. By working together, we have been able to implement the TWIC program in a relatively painless manner, and have thereby significantly improved the overall safety and security of the region's maritime sector.

However, there have been some concerns locally, and at the national level, regarding seafarers' legitimate access to shore leave through MTSA regulated facilities. As Captain of the Port and Federal Maritime Security Coordinator, I am committed to the principle that properly cleared seafarers have a right to shore leave, and seafarer advocacy organizations have a right to conduct their legitimate business, without being subject to undue administrative or financial burdens. Specifically, Title 33 Code of Federal Regulations Part 105.200(b)(9) requires facilities to coordinate shore leave for vessel personnel or crew change-out, as well as access through the facility for visitors to the vessel (including representatives of seafarer's welfare and labor organizations). The Coast Guard recognizes the importance of shore leave and access to seafarer welfare organizations as an essential aspect of maintaining morale, readiness and seafarer wellbeing. To this end, facility security plans should not impose an undue burden on the seafarer or seafarers' welfare organization representatives seeking access through facilities for the purpose of shore leave or for the purpose of providing service to the seafaring community.

As an FSO, one of your responsibilities is to ensure that persons performing escort or monitoring services for non-TWIC personnel have a basic understanding of the security concepts described in Title 33 CFR Section 105.215. It's my understanding that the Seaman's Church Institute (SCI) of Philadelphia has developed an in-house training program for its TWIC holding personnel that covers the concepts discussed in the aforementioned regulation.

I encourage you to work with the SCI, and other seafarer advocacy organizations that have developed similar in-house security training programs, and come up with an appropriate arrangement that allows them to conduct their legitimate business unencumbered by unreasonably burdensome access restrictions or unjustifiable financial barriers.

Again, I'm very encouraged how we as a port community- Coast Guard, industry, and non-governmental organizations- have worked together so far to achieve MTSA compliance. I look forward to your continuing cooperation to facilitate legitimate seafarer shore access. Thanks.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. L. Scott".

D. L. SCOTT  
Captain, U.S. Coast Guard  
Captain of the Port

Port Business Operations Sub-  
Committee  
**Attendees**

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