

Vessel Agent Notification upon Security Boardings
Trusted Agent Criteria
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ISSUE

When a vessel is targeted for a security boarding, the lack of advance notification can result in significant adverse economic impact. For example, labor may have already been ordered, or an incidence of a missed tide may result in further delays. Delays in one port can build and lead to further delays at subsequent port calls on a given voyage, ultimately leading to missed cargo delivery dates which affect the entire transportation supply chain.

RECOMMENDATIONS

While we recognize that the need to ensure that vessel crew is not provided with advance notice that a random security boarding will take place, we believe it is possible to notify the vessel agents without compromising security. Such communication to the agents would allow them to make necessary arrangements, thereby minimizing the impact of the delay and reducing and potentially eliminating unnecessary costs.

We also note that language in the "Port Authority of New York/New Jersey" bill (S. 3174), introduced by Senator Frank Lautenberg, proposes that "Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall establish, and publish in the Federal Register, a policy governing how much advance notice is to be provided by the Coast 10 Guard to the owner or operator of a vessel before the vessel is boarded by the Coast Guard for ISPS compliance or Port State Control inspection."

Although it is unknown at this time whether the bill will be enacted into law as written, it is clear that there is a national interest in this issue.

Following are two recommendations, in order of preference.

I. Treat Info as any other Security Sensitive Information

Under SSI rules, any "covered person" with a "need to know" can be provided with Security Sensitive Information. Vessel agents can sign non-disclosure agreements with the Coast Guard, and be provided with information on boardings on a need-to-know basis.

II. Develop a separate "Trusted Agent" program

If current rules or internal Coast Guard guidance do not permit the above, we recommend the creation of a program in which participants would be required to provide the DHS (through the Coast Guard) with company/employee information that would serve as criteria to determine that the individual is trustworthy. Below is a list of possible criteria to be used by DHS to determine such trust exists:

Criteria

1. The participant will agree that any security information shared with them by the Coast Guard will remain strictly confidential.
2. Each participant must be sponsored by his company.
3. The participant must be employed by his company, or with another qualified company, in the region for at least one year.
4. The participant must be a TWIC cardholder.
5. The Company by whom the participant is employed must be a member of the Maritime Exchange, the AMSC and registered with USCG Homeport. This will ensure that the Company is in earnest and dedicated to meeting the maritime community's standard.
6. The Company must have conducted business along the Delaware River for at least one year before any employees may participate.