



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

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VIA www.regulations.gov

Docket Management Facility
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Coast Guard Docket Number USCG-2011-0129

Dear Sir or Madam:

The letter is in response to the above-referenced Notice of Availability and Request for Comments published on March 15, 2011.

The Maritime Exchange for the Delaware River and Bay is a non-profit association representing port and maritime interests in Southeastern Pennsylvania, Southern New Jersey and Delaware. On behalf of our nearly 300 members, the Maritime Exchange is writing to express its appreciation for the issuance of Policy Advisory Council decision (PAC) 01-11.

Exchange membership includes regulated facilities and vessels as well as individual Transportation Worker Identification Credential (TWIC) holders who require access to one or multiple facilities to perform their job functions. Our members are not only interested in ensuring enhanced security within the port region, but they are also keenly concerned that any efforts to improve our port security posture are implemented in a thoughtful and deliberative manner. Specifically, facilities which have invested or plan to invest time and money to install and utilize TWIC readers, software and associated infrastructure must ensure that their systems both meet federal mandates and can be implemented in the most cost-efficient manner possible. Further, it is simply unreasonable in this economic environment to promulgate rulemakings requiring high-tech identification cards that do not utilize the technologies they were designed to accommodate. Organizations and individuals who have paid several hundreds, if not several thousands, of dollars each to acquire TWIC cards that are not used in readers have indeed wasted a significant percentage of the dollars spent to obtain and produce them.

Since the promulgation of the TWIC initial rulemaking in January 2007, which mandates visual human inspection of TWICs when they are presented for access at a regulated site, maritime stakeholders have expressed interest in utilizing electronic verification mechanisms instead. This is not limited to the vessels and facilities which must invest in the reader systems, but also TWIC holders who wish to speed access into and out of regulated sites.

Yet many facilities and vessels, understandably so, have been extremely reluctant to expend the necessary funds on reader systems without knowing: a) the results of the pilot program; and b) the TWIC access control, recordkeeping, and other requirements to be mandated in a final reader regulation. Accordingly, such entities have decided not to implement TWIC reader systems prematurely.

Despite these concerns, the Department of Homeland Security has, for the last several years, encouraged Port Security Grant Program (PSGP) applicants to submit projects designed to implement TWIC. In essence, the

federal government is financially supporting projects for which neither standards nor requirements have been established.

Needless to say, applicants have grasped at the opportunity to obtain at least partial grant support to offset the substantial costs associated with installing card reader systems. And many of the requests for funding have been approved by PSGP program managers, however well known it may be that applicants remain reluctant to expend the funds. In all too many instances, grant recipients are holding up funds which could be used for other, more timely, security projects.


The appropriate solution, it would seem, was thus to either eliminate TWIC projects from PSGP eligibility or to provide some assurance that equipment acquired prior to the publication of the final TWIC reader regulation would be acceptable until at or near the end of its useful life. Since eliminating TWIC projects from the PSGP would be detrimental to overall security efforts, clearly providing the assurances sought is the more desirable option.

PAC 01-11 does not accomplish this. While we very much appreciate receiving the guidance on how the readers are to be used, that the PAC decision specifically delineates that readers authorized under the guidance may no longer be valid after promulgation of the TWIC reader final rule defeats the primary purpose of the guidance. Owners/operators must know that investments they make today will not be invalidated in the near future.

On behalf of our members, the Maritime Exchange thanks the Coast Guard for its efforts to be responsive to the needs of the industry. However we respectfully suggest that the policy regarding “grandfathering” of systems acquired prior to the final regulation be reconsidered and such policy be included in a change to PAC 01-11.

Further, we also recommend that the PAC be modified to mandate the biometric identity validation only in times of elevated security (i.e., MARSEC II or III). Information shared by reader pilot participants indicates that TWIC readers currently in use in the pilot are performing well over the speeds recommended by the National Maritime Security Advisory Committee (NMSAC). Accordingly, requiring the biometric validation will dramatically slow throughput – and thus commerce – at vessel/facility access points with only minimal improvement in the security regime during normal operations.

Thank you for the opportunity to express our comments.

Sincerely,

Dennis Rochford
President