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U.S. Customs and Border Protection  
Attn: Tracey Denning  
Office of Regulations and Rulings  
799 9th Street, NW  
7th Floor  
Washington, DC 20229-1177

Re: Agency Information Collection Activities: Passenger List/Crew List (Form I-418)

To Whom It May Concern:

The Maritime Exchange for the Delaware River and Bay is pleased to submit these comments in response to the October 23, 2009 Notice and Request for Comments regarding passenger/crew list information collection. We applaud U.S. Customs and Border Protection (CBP) for its efforts to reduce paperwork.

As information, the Maritime Exchange is a non-profit trade association representing nearly 300 port businesses and related organizations within the tri-state Delaware River port complex. In addition to serving as an advocate for the \$4 billion commercial maritime industry in the region, the Maritime Exchange has developed and operates a port-wide maritime information and intelligence network on behalf of its membership. Included in this system is an electronic notice of arrival/departure filing component which facilitates members' compliance with both CBP and Coast Guard regulations for filing advance electronic vessel, crew and passenger information.

Because of our unique dual role as information service provider and liaison between the local steamship community and federal regulatory agencies, the Maritime Exchange has a keen understanding of the challenges facing both the regulated industry and the government agencies responsible to collect continually increasing amounts of information.

Maritime Exchange members have worked closely with CBP to identify opportunities for improvement, streamline operations, and eliminate redundancy, inefficiency and waste wherever possible. Coupled with the commercial and trade aspects of data submission, Exchange members have also dedicated their time and expertise to help furthering the agency's security mission by providing guidance and suggestions on proposals to increase the volume of data required and expand the pre-arrival filing timetables.

Accordingly, we strongly support federal efforts to automate data collection and eliminate the need to deliver documents by mail, facsimile, and hand delivery wherever possible. It is with this goal in mind that we offer the following comments for consideration.

When CBP promulgated its April 2005 rule mandating electronic submission of passenger/crew manifests, many members of the ocean commerce sector were forced to change their business processes and absorb additional costs to accommodate the new electronic filing requirements. At that time, we supported CBP's efforts, particularly as they related to cooperating with Coast Guard to create a single interface for filers to meet both agency requirements. Using the Coast Guard electronic Notice of Arrival/Departure (eNOA/D) system dramatically reduced the burden on the industry which would have resulted had CBP created a separate electronic portal to submit what is essentially the same data set as that provided to Coast Guard.

However, we also expressed concern over the fact that the new system was not being implemented in lieu of the paper system; on the contrary, CBP was instituting this new requirement in addition to, rather than instead of, the traditional paper document filing system. While we recognize there are subtle differences between the eNOA/D system and the I-418 paper form, we have long held that both CBP and the steamship industry would both benefit greatly if the agency were to work with Coast Guard to make the slight modifications necessary to the eNOA/D system to meet the legacy crew/passenger data collection mandates.

In short, we recommend that CBP eliminate the requirement to submit paper I-418 forms and work with Coast Guard to modify the eNOA/System as needed. Failure to do so since the advent of the automated system has resulted in significant and unnecessary burdens on both CBP and I-418 filers.

Specifically, the benefits of automating this process would include:

- The complex paper process, wherein vessel operators or their agents must submit copies of I-418 forms to CBP at the vessel's first port of arrival could be eliminated. This would save hours of work time in completing the paper forms, as well as eliminate paper and postage costs.
  - We disagree with the agency's estimate of one hour's time per respondent. While it may be true that completing a paper I-418 form for most commercial cargo vessels would not take much more than one hour, this is only a small part of the process. The forms must be copied and taken to the vessel, filed, stored, etc. All of these tasks take time. Further since data entry into the automated

system is also required, CBP can factor up to as much as four hours or more for data entry on average.

- Waiving the requirement to submit paper would eliminate the need for CBP to manually collate the forms for each port call on a given voyage, saving countless hours for CBP officers.
- This would also minimize the issuance of improper penalty actions for non-compliance which is known to pervade this process when CBP at the first port of arrival misidentifies the responsible vessel agents at other ports. Both CBP and the trade would save significant time in penalty mitigation activities.
- In many instances, the I-418 collation process takes place several months after the vessel's departure from the U.S. for a foreign port. Clearly, CBP would benefit by learning about potential discrepancies while the vessel is still within U.S. waters when the process is automated. Further, vessel agents would save significant time in collecting, copying and mailing old documents when CBP issues a request for the information well after vessel sailing.
  - In most cases reported by our members, the vessel agent submitted the information at departure when required, yet the CBP officer is unable to locate the documentation when he/she attempts to gather the forms together. Thus, this second and later request is generally completely redundant activity and a significant cost item for the agent.
- Automating the crew/passenger reporting process (vs. automating a form) would dramatically increase CBP productivity in that the system could generate reports of on- and off-signing crew/passengers. Today, CBP officers must manually compare forms for each port to determine this information.
- Finally, all the forms collected by CBP are bundled and sent to a central storage location. Automating the process would eliminate the need and associated labor and warehousing costs for further document handling and long-term storage.

As indicated above, the I-418 filing process is fraught with delay, multiple requests for information, and unnecessary penalty actions. While the instances of untimely and redundant data requests and inappropriate penalties have dramatically decreased since the Exchange and its members worked with CBP to address this issue, it is our understanding that there are some port areas where this problem is ongoing and in fact may be increasing in occurrence.

In addition, there are other related processes and forms which remain paper intensive and which a lack of standardization, and thus consistency, take significantly greater time and create unnecessary costs for vessel operators and their agents than strictly necessary. As an example, members continue to express concerns over the paper process associated with CBP approval of a crew member's request for repatriation. The I-408 requests and D2 approval processes should also be automated.

Needless to say, working to eliminate paper is a shared responsibility. We suggest that CBP and Coast Guard work closely with the trade to determine how systems should be modified, which data elements have become unnecessary, and the development of timetables and guidance for regulated filers.

Given the success of the current partnership between CBP and Coast Guard, we are confident that expanding the existing system can be done in an efficient and cost-effective manner.

The Maritime Exchange, in concert with its colleagues within the National Association of Maritime Organizations and through the National Maritime Security Advisory Committee, has expressed these comments to CBP and Coast Guard on numerous occasions. We appreciate the positive responses received by the agencies and look forward to continuing efforts to working with them to eliminate paper, streamline operations, ensure the federal agencies receive the commercial and security information they need in a timely manner, and reduce costs for all involved.

Thank you for the opportunity to submit these comments.

Sincerely,



Lisa B. Humber  
Vice President