

Protecting America's Ports



Security Requirements for the Maritime Industry



**Homeland
Security**

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U. S. DEPARTMENT OF HOMELAND SECURITY

Office of the Press Secretary

FOR IMMEDIATE RELEASE

Oct. 23, 2003

Contact: 202-267-1587

SECRETARY RIDGE ANNOUNCES SIGNIFICANT STEPS IN ENHANCING MARITIME SECURITY

WILMINGTON, Delaware – Within one year of President Bush’s signing of the Maritime Transportation Security Act on November 25, 2002 U.S. Secretary of Homeland Security Tom Ridge today announced approval and publication of the final maritime industry security rules which are designed to significantly improve protection of America’s ports, waterways, and ships from a terrorist attack.

“With 95 percent of our nation’s overseas cargo carried by ship, maritime security is critical to ensuring our Nation’s homeland and economic security,” Secretary Ridge said. “These final rules, which were developed with the cooperation and input of the maritime industry, strengthen and bring consistency to both our nationwide maritime security program and our ability to deter homeland security threats.”

The Department of Homeland Security developed the final rules with a team from the Coast Guard, Transportation Security Administration, Customs and Border Protection and the Department of Transportation’s Maritime Administration. These DHS and DOT teams held public meetings around the nation over the past year in New Orleans, Cleveland, Seattle, San Pedro, Calif., Jacksonville, Fla., New York City, St. Louis, and Washington, D.C., to ensure broad input from the maritime industry on port issues. During these sessions DHS solicited and considered acceptable alternatives from the private sector to meet specific security measures, which included the receipt and evaluation of over 2,000 comments and recommendations.

“These final rules put in practice innovative protective measures on a nationwide basis,” Ridge said. “We are using technology, such as the new Automatic Identification System, teamwork in designing and implementing security measures with the private sector, and a flexible response system that government, responders, and industry will all use to immediately increase security to meet emerging threats.”

The maritime security requirements published by the Coast Guard in a final rule on Oct. 22, 2003 replace temporary rules originally issued in July 2003. The final rules effect significant changes in security practices within all segments of the maritime industry, including cruise ships, container ships, and offshore oil platforms. The following chart summarizes significant measures and security enhancements that will now be required of the maritime industry resulting from the new final rules:

Security Measure**Security Enhancement**

Conduct security assessments

Identifies potential vulnerabilities and helps determine what security measures need to be implemented

Develop security plans

Allows flexibility to deal with unique security aspects as identified in the assessment.

Submit plan to Coast Guard for approval

Ensures consistency in U.S. maritime industry

Identify security officers

Creates a network of security personnel in maritime industry focusing on security issues. Also provides an additional set of informed “eyes and ears”

Increase security as threat rises

Allows more moderate measures under normal circumstances, while ensuring maritime industry is prepared to tighten security when necessary

Install Automatic Identification Systems aboard large ships

Increases our ability to separate law-abiding from suspect vessels by allowing for comprehensive, virtually instantaneous vessel tracking and monitoring

The full text of the final rules can be found at <http://www.gpoaccess.gov>. An information line has been established to answer queries about the new final rules. The number is 1-800-842-8740, ext. 69270. A fact sheet follows with details about the act, key measures, timeline, and expanded discussion of the new security enhancements.

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FACT SHEET: MARITIME SECURITY REGULATIONS

MAKING OUR WATERS SAFER: The Maritime Transportation Security Act of 2002 (MTSA), the new security amendments to the International Convention for the Safety of Life at Sea 1974 (SOLAS), and its complementary International Ship and Port Facility Security Code (ISPS) strengthen and add additional protective layers of defense to our Nation's port security.

- **MTSA:** Designed to protect the nation's ports and waterways from a terrorist attack. Landmark legislation that requires area maritime security committees, security plans for facilities and vessels that may be involved in a transportation security incident.
- **ISPS:** First multilateral ship and port security standard ever created. Implementation scheduled for 2004; requires all nations to develop port and ship security plans.

Regulations specify requirements for:

- Security assessments, development of security plans, implementation of measures to address access control, security monitoring, and physical, passenger, personnel, baggage and cargo security
- Drills and exercises
- Designation of security personnel for each vessel or facility
- Installation of Automatic Identification System (AIS), equipment that automatically sends detailed ship information to other ships and shore-based agencies

WHO THE REGULATIONS APPLY TO: The regulations focus on those entities that may be involved in a transportation security incident, including various tank vessels, barges, large passenger vessels, cargo vessels, towing vessels, offshore oil and gas platforms, and port facilities that handle certain kinds of dangerous cargo or service the vessels listed above.

WHEN: July 1, 2003 Temporary Interim Rules published; Effective date of regulations
July 23, 2003 Public meeting in Washington, D.C.
July 31, 2003 Deadline for submission of written comments
Oct. 22, 2003 Publication of Final Rules
Nov. 22, 2003 Effective date of Final Rules (30 days from publication)
Dec. 29, 2003 Deadline for submission of security plans
July 1, 2004 International and domestic deadline for implementation of MTSA regulations & ISPS requirements
Dec. 31, 2004 AIS carriage required on certain vessels when transiting a Vessel Traffic Service Area or Vessel Movement Reporting Service Area

WHERE: Ports of all sizes throughout the country

On Oct. 22, 2003, the Coast Guard published maritime security final rules. The final rules revised temporary interim rules (TIR) published on July 1, 2003, and take into account over 400 letters and 1600 public comments the Coast Guard received, including the comments of over 500 people who attended a public meeting on July 23.

The following summarizes significant changes and clarifications in the final rules.

Automatic Identification System (AIS)

The TIR required the installation of AIS equipment on commercial vessels on international voyages and certain commercial vessels, (including fishing, towing, and passenger vessels over 65' in length), when operating in a Vessel Traffic Service Area or a Vessel Movement Reporting Service Area. Many vessel operators had questions about the costs of installing such systems. To ease the immediate cost burden on industry, the Coast Guard amended the AIS requirement so that only SOLAS certificated fishing vessels over 300 gross tons and small passenger vessels certificated to carry over 150 passengers must carry an AIS. However, the Coast Guard will be evaluating approaches with better cost-benefit rationale for all vessels operating in U.S. waters to carry AIS and will be soliciting additional public comment regarding costs and possible alternatives.

Ferry System

In the final rule, the Coast Guard clarified the requirements, reiterating that ferries and other passenger vessels will not be required to implement "airport-like" passenger screening and that other procedures will be permitted, including increased security patrols and monitoring as well as random screenings of persons, baggage, and vehicles.

Foreign Vessel Security Plans

The final rule clarifies that foreign flag SOLAS vessel owners do not have to submit security plans to the Coast Guard for approval. Non-SOLAS foreign vessels will be required to have either Coast Guard-approved security plans, comply with an alternative security plan, or comply with measures specified in a bilateral or multilateral agreement. With a stringent and thorough boarding program, the Coast Guard will examine and enforce the vessel's compliance with international security regulations. Vessels not in compliance may be denied entry into U.S. ports.

Cargo Screening Requirements

The final rules amend cargo-screening requirements, mandating the checking of cargo for evidence of tampering, but no longer require the screening of cargo for dangerous substances. The Department of Homeland Security will explore enhanced solutions, including the development of comprehensive cargo screening guidelines.

Alternative Security Program (ASP)

The final rules allow more flexibility for non-SOLAS vessels and all facilities to participate in an ASP, if they wish. This program was strongly endorsed by several organizations because it allows security measures to be tailored to the unique needs of each industry segment.

Vessel Security Plans

Security plans are required for all vessels, exemptions are as follows:

- Passenger vessels that do not carry more than 150 passengers, regardless of how many are overnight passengers
- Non-self propelled Mobile Offshore Drilling Units and other industrial vessels (e.g., dredges)

Facility Security Plans

Facilities are required to develop individual security plans, exemptions are as follows:

- Facilities that only service passenger vessels when those vessels are not carrying passengers
- Public Access Facilities that are used by the public primarily for purposes such as recreation, entertainment, retail, or tourism, and not for receiving certain passenger vessels subject to the regulations. Owners and operators of public access facilities will be responsible for implementing appropriate security measures in accordance with the Area Security Plan
- Shipyards

Security Assessment Tools

The final rule provides industry with the flexibility to use their own security assessment tools, but also includes a list of tools that may be used. This list includes the Transportation Security Administration Maritime Self Assessment Risk Model (TMSARM) a no-cost, user-friendly, web-based, vulnerability-self-assessment tool designed by TSA specifically to meet the requirements of MTSA. The TSA tool can be found on the web at: http://www.tsa.gov/public/interapp/editorial/editorial_0826.xml.

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