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Maritime Security

Navigating the web of regulations

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Vessel Security: Can You Comply With Regulations?



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Everyone remembers exactly where he or she was the morning of September 11, 2001. The horrors associated with a terrorist attack on one of the United States' most visible landmarks will serve as a point of demarcation for all of us. For vessel owners and operators, it also started a change in the security procedures that each of us must follow. The marine transportation industry provides terrorists with access to some of our nation's most sensitive areas and an optimal vehicle for bringing a terrorist's tools of destruction directly into these sites. Unfortunately, the ability to use a vessel as a terrorist tool places our entire industry and port communities at significant risk. If each and every vessel owner and operator does not implement proper security procedures, significant human life and infrastructure will be put in jeopardy.

Furthermore, for any vessel owner or operator that fails to follow adequate security procedures, and becomes involved in a significant terrorist plot, your company and vessel will become infamous and will be placed in the same category as the Sultana, Grandcamp, Exxon Valdez, Bright Field, etc. These new security issues involve the identification of potential threats, compliance with a myriad of new rules and regulations, training vessel crews to identify and report potential issues, and various new reporting and registration programs that must be followed by operators. Under the Maritime Transportation Security Act, most towing, crew and supply vessels are required to be operating under an approved Vessel Security Plan (VSP) or Alternative Security Plan (ASP). Each United States Coast Guard Captain of the Port is charged with verifying that all vessels operating in their zones are in compliance with the security regulations.

For most vessel operators, the requirement of acquiring a Transportation Worker Identification Credential (TWIC) from the Transportation Safety Administration for each of its vessel related employees is the first hurdle to overcome. These rules are described in 33 C.F.R.,

Subchapter H—Maritime Security. However, the TWIC requirement represents just one of a host of changes created by the federal government. The maritime security requirements imposed on domestic vessels and vessel operators by 33 C.F.R Subchapter H include:

- The interpretation, understanding of, and compliance with Maritime Security (MARSEC) levels that are issued by the Department of Homeland Security's Homeland Security Advisory System
- The requirement to identify and report suspicious activity
- The compliance with Declaration of Security requirements
- The formation, composition, and responsibilities of Area Maritime Security (AMS) Committees
- Vessel Security Assessment (VSA) requirements
- Vessel Security Plan (VSP) requirements

The above referenced security regulations are designed to ensure the security of our nation's ports and waterways as part of a larger national security plan. Full compliance with these regulations is overwhelming for virtually all operators that are too small to hire an employee to implement and monitor these security regulations. In fact, most small operators have absolutely no idea what to make of these regulations as their security plans usually only deal with accessing sites to perform their work.

For the operators that have no idea how to comply with these rules and develop a Vessel Security Plan (VSP), there is help out there. In an effort to make compliance with the new security regulations a little easier for vessel owners and operators, the Department of Homeland Security permits vessel owners or operators to enroll in a Coast Guard approved Alternative Security Program (ASP) to meet the provisions of Subchapter H. Currently, 33 C.F.R. § 101.125 lists three approved ASPs. They are:

1. American Gaming Association Alternative Security Program
2. American Waterways Operators Alternative Security Program
3. Passenger Vessel Association Industry Standards for Security of Passenger Vessels and Small Passenger Vessels

The above referenced ASPs provide members with the

procedures necessary to comply with Department of Homeland Security/Coast Guard regulatory requirements for vessel security plans. The following list provides an example of the services and assistance that an ASP can provide to vessel owners and operators:

- Security related assistance in training both vessel and office based personnel
- The creation and implementation of security drills and exercises
- The implementation of a system to comply with the recordkeeping requirements and the protection of sensitive security related information
- Assistance in responding to changes in the MARSEC Level
- The creation of procedures for vessel interaction with both port facilities and other vessels
- Declaration of Security (DOS) requirements
- The installation and design of vessel security systems and maintenance
- The creation and implementation of security measures related to vessel access, restricted areas access, cargo handling, vessel stores and fuel, and vessels temporarily out of service

Furthermore, some ASPs provide annual audits to ensure that member owners and operators continue to comply with the plan.

Routine Coast Guard inspections ensure compliance with the vessel based security regulations. A Vessel/Facility Security Verification Report will be completed by the Coast Guard inspector prior to leaving the vessel after conducting an inspection. The verification report will be left with the vessel safety officer. Minor security related discrepancies will be expected to be corrected on the spot. Larger discrepancies will be noted in the report if further correction is needed. For major issues that materially affect the security posture of the vessel, the Coast Guard Port Captain will issue an order restricting the vessel from conducting any MTSA regulated operations and may opt to pursue further enforcement actions including a Letter of Warning, Notice of Violation or a civil penalty. Major discrepancies which will require correction include, but are not limited to:

1. The VSP or ASP is not on board the vessel, or is on board but not approved
2. The absence of an assigned VSO on board

3. The VSO on board is not competent to serve as a VSO

4. The crew assigned security responsibilities are not familiar with the VSP/ASP or their responsibilities

5. A lack of vessel access control as required in the approved VSP/ASP

Considering the complexity of the post September 11 security rules and regulations, these Coast Guard approved Alternative Security Programs provide a practical means for vessel owners and operators to ensure compliance with Coast Guard security regulations. As with all plans, a good plan does not do anything to protect the owner or operator if it is not implemented properly. Thus, once a plan is developed, all employees, whether vessel or office based, should be trained, drilled, and updated on an ongoing basis. Additionally, management should also develop a plan of monitoring the training and implementation of the plan with the hopes of identifying any gaps in the plan before a potentially unsafe situation develops.



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