

Fact Sheet: Maritime Security Requirements

For Immediate Release
Office of the Press Secretary
October 23, 2003

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 REQUIREMENTS 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 GT 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.