

# **TWIC Implementation Guidance from SETWAC Port Welfare Committee**

Full compliance with Transportation Worker Identification Credential requirements will begin at the ports and facilities in the jurisdiction of MSU-Port Arthur on April 14, 2009. The SETWAC Port Welfare Committee offers this document in an effort to assist the local maritime community in developing security practices that both fulfill federal security requirements, and respect the needs of ship operations, and seafarer welfare.

The men and women who operate the merchant vessels which call at our facilities are essential for the operation of these same facilities. These mariners deliver the base products that are then refined or transformed into the finished products. These finished products are then transported by other mariners around our country and the world.

Most of the deepsea mariners who call at our facilities are not citizens of the United States. This may raise concerns that special security measures need to be implemented while their ship is docked. However, they have already undergone three separate security vettings. The first vetting is through the Department of State, who issued the mariner a D-Visa to enter the U.S. The second vetting is performed by the Department of Homeland Security in the 96-hour period preceding the mariner's arrival. This second screening compares the crew's names against terrorists watch lists. Finally, Customs and Boarder Protection boards the vessel while at the facility, and approves each crew member for shore leave by issuing a shore pass to each mariner who has permission to go ashore. Mariners pose no greater threat than commercial truck drivers, airline pilots or , and in many ways transportation workers. They have been screened more diligently than many of the contractors who enter our local facilities.

However, because mariners are away from home for up to eleven months at a time, special care should be taken to facilitate their personal needs in the few hours that they have available at the dock. The spirit of the ISPS Code, CFR 33.105 and the relevant NVIC's is to facilitate and/or coordinate security operations in such a way that the human needs of the mariner can be met.

Any regime regarding seafarers must draw a distinction between US mariners, and foreign seafarers. All US mariners, whether on deepsea or inland vessels, will have TWIC's. This allows them to have unescorted access in the MTSA-regulated areas, just as any other TWIC holder would have a particular facility.

As a rule, foreign mariners will not have a TWIC's. However, every foreign mariner has passed through the three-part screening process that is described above. This vetting process gives significant assurance that the mariner represented by his or her documentation is that person, that his or her name does not appear on any terrorist watch list, and that he or she has the permission of the relevant federal agency to access shore leave. In developing procedures for foreign seafarers, reference can be made to the facility's procedures relating to the work of non-TWIC contractors working in the facility.

Even though foreign seafarers will not have TWIC's, the regulations themselves, and especially

NVIC 03-07, provide important guidance to facilities as they prepare for the full implementation of TWIC. Here are important principles that should be kept in mind are:

1. Without compromising security and safety, vessel crew changes, shore leave, crew transportation to and from vessels via taxi or shuttle buses should be facilitated to the maximum extent possible.
2. The TWIC requirements will not apply to mariners while in the immediate vicinity of their vessel while performing routine ship's business.
3. An area can be established for mustering of crew members in defined area in preparation for transportation.
4. In performing routine ship's business, and preparing for crew transportation, shoulder-to-shoulder escorting is not required by NVIC 03-07. "Additional flexibility also exists to support these activities in some parts of the restricted area..." Visual and video monitoring by facility personnel can provide sufficient *monitoring*. In other words, being able to maintain visual supervision of mariners doing ship's business, and waiting to access transportation fulfills the escorting requirement.

There are a number of resources that are available that can assist facilities in both maintaining security, and meeting the needs of mariners:

1. Support and work with the local seafarer welfare agency (Port Arthur International Seafarers Center and the International Seafarer Center of Beaumont) in coordinating mariner transportation needs.
2. Develop a jitney service that can quickly, securely and safely move mariners from the ship to facility gate. From the facility gate, mariners can contact seafarer center or taxi service.

## **Important and Relevant Passages of NVIC 03-07**

3.3.c. (4) page 12

(4) Escorting ratios do not apply when non-TWIC holders are transported in an enclosed vehicle. In this case, one TWIC holder who is driving or riding in the vehicle can escort any number of passengers as long as they are only allowed to depart the vehicle in a location where other TWIC holders will be able to escort them or where they will not need to be escorted (e.g. a public access area or outside the facility). This applies in both secure areas that are restricted areas and secure areas that are not also restricted areas. Escorting requirements must be met once the non-TWIC holders depart the vehicle.

3.3 c(7) pages 12 & 13

(7) Vessel crew changes, authorized shore leave, crew transportation to and from vessels via taxi or shuttle bus, and access to shoreside support should be facilitated to the maximum extent possible without compromising security or safety. Monitoring within secure areas could provide sufficient flexibility to support such important activities. In the case of restricted areas within the secure area, authorized TWIC holders, who are already working in the area, could provide the side-by-side accompaniment for the limited amount of time needed before the transition back to the secure area takes place. Additional flexibility also exists to support these activities in some parts of the restricted area since the TWIC requirements will not apply to mariners while in the immediate vicinity of their vessel when performing routine ship's business (in which mustering for transportation off the facility can be included). Regardless of which methods are used to comply with the TWIC requirements, facility owners and operators should work with COTPs to develop solutions which maintain security while facilitating the essential need for seafarers' access to shoreside support and authorized shore leave.