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Ship/Port agents' perspective on Port Security and the state of Global Maritime awareness

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BASIC FACTS AS RELATED TO GLOBAL COMMERCE

- The Shipping Industry is an absolute need created by the fact that the Earth's surface is covered by approximately 70 percent with water.

- Since the beginning of time, the ocean has been used for commercial gain. Man has always earned currency by the carriage of goods and/or passengers across a body of water.

- There are incredible amount of differences among the various types of vessels that ply our Nation's waterways and call at our ports from tankers and container ships to cruise ships and clipper ships.

- Virtually the only thing that they have in common is that ***THEY ALL UTILIZE A PORT AGENT WHEN CALLING ON ANY US PORT.***

What is an agent?

- Agent is the possibly the only person in the Maritime industry who works with and handles almost every aspect of vessels.
- From the Captain's Newspapers, to his under keel clearance information.
- From his entrance and clearance into the United States with DHS to the charterer's discharge documents.
- From finding the bolt that the engine needs to run to the urgent medical attention that the crew may need.

We handle and work with virtually everything from 96 hours prior to arrival, all of the port logistics and Government paperwork during the vessels stay, right up until the vessel's departure from Port.

Actual definition of Agency

“Agency is the name given to the legal relationship which arises when two parties enter into an agreement, whereby one of the parties, called the agent, agrees to represent or act for the other called the principal, subject to the principal’s right to control the agent’s conduct concerning the matters entrusted to him.”

Meaning: The agent handles everything that happens on a Vessel for the port that they service…..

PORT SECURITY IS NOT NEW

"A single bomb…carried by boat and exploded in a port, might very well destroy the whole port together with some of the surrounding territory."

Albert Einstein in a letter to President Roosevelt - August 2nd, 1939

MARITIME DOMAIN AWARENESS

"The heart of the Maritime Domain Awareness program is accurate information, intelligence, surveillance, and reconnaissance of all vessels, cargo, and people extending well beyond our traditional maritime boundaries."

PRESIDENT BUSH
JANUARY 20, 2002

Maritime Domain Awareness (MDA) is the effective understanding of anything associated with the global maritime domain that could impact the security, safety, economy, or environment of the United States. MDA is a key component of an active, layered maritime defense in depth. It will be achieved by improving our ability to collect, fuse, analyze, display, and disseminate actionable information and intelligence to operational commanders. MDA is supported by the *Global Maritime Intelligence Integration Plan* and is the enabler for the *Maritime Operational Threat Response Plan*.

This plan advocates enhanced and innovative collection of intelligence, the integration of correlated open source information, and the incorporation of automated algorithms to assist human analytic efforts. The National Maritime Intelligence Center will be the central point of connectivity to fuse, analyze, and disseminate information and intelligence for shared situational awareness across classification boundaries.

Is the US Government taking advantage of what is available in the industry

NO

US PROGRAMS

HOW CAN THE USA EXPECT THAT OTHER COUNTRIES WILL BE COMPLIANT IF WE ARE NOT BEING RECIPROCAL. PROGRAMS LIKE THESE ARE VOLUNTARY AND TEND TO BE FULL OF HOLES.

- C-TPAT: Customs Trade Partnership Against Terroism
- CSI – Container Security Initiative
- PROJECT GREENLANE: "Pushes Out" US Borders –
- scan and secure containers at foreign ports before they arrive on our doorstep
- Dramatically increases supply-chain security from "shop floor to showroom floor"
- Improved scores in the Automated Targeting System (ATS)
- Reduced cargo inspections
- Priority examination for flagged containers
- Faster release of cargo to reduce bonding requirements
- Allows for quick resumption of trade post-incident

While Greenlane is probably the best;

It requires an integrated solution of the following:

- Shipper
- Host Government
- Port Authority
- Terminal Operator
- Shipping Company

With this many people involved, it allows for many gaps to be created and room for ineffectiveness to flourish. Without being tested it has no real value other than the certificate and to have less of a target number in the targeting matrix. That being said, at a Higher MARSEC Level the targeting matrix matters very little anyway and more is relied upon by field intelligence and physical inspections.

Safety act of 2002

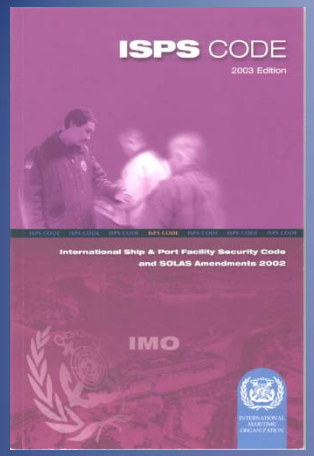
- **Subtitle G—Support Anti-terrorism by Fostering Effective Technologies Act of 2002 SEC. 861.**
- **This subtitle may be cited as the ‘‘Support Anti-terrorism by Fostering Effective Technologies Act of 2002’’ or the ‘‘SAFETY Act’’.**
- Provides critical incentives for the development and deployment of anti-terrorism technologies by providing liability protections for providers of ‘‘qualified anti-terrorism technologies.’’ The purpose of this rule is to facilitate and promote the development and deployment of anti-terrorism technologies that will save lives.

BETTER PROMOTION OF THIS INCREDIBLY EFFECTIVE TOOL OFFERED BY THE GOVERNMENT MUST BE UTILIZED BY GOVERNMENT.

THE USA IS CURRENTLY THE ONLY COUNTRY THAT DOES NOT HAVE AN RSO. USCG TAKES ON THIS ROLE FOR APPROVALS OF FSP'S & VSP'S and at the implementation phase they contracted with ABS to assist.

CURRENTLY THERE IS NO RSO OR AUTHORITY TO VET "SECURITY COMPANIES" TO ENSURE QUALITY OF SERVICES AND RELIABILITY OF SERVICE PROVIDERS.

ALL YOU NEED TO DO IS ADD PORT IN FRONT OF YOUR SECURITY COMPANIES NAME AND YOU ARE NOW INSTANTLY A MARITIME SECURITY EXPERT.



ISPS AND MTSA UPDATE?

BOTH EXCELLENT PROGRAMS

THAT SERVE A MAJOR PURPOSE

- BUT THEY BOTH NEED TO BE UPDATED. THEY WERE CREATED IN SUCH A WAY THAT EVERYONE COULD BE COMPLIANT IF THEY MEET THE TERMS THAT THEY PERSONALLY SET WITHIN THEIR OWN PLANS.
- SELF CERTIFICATION WAS EXCELLENT TO GET THESE PROGRAMS OFF THE GROUND, BUT NOW MORE THAN 5 YEAR LATER, WE NEED TO BE MORE REALISTIC.
- NEITHER ISPS OR MTSA EVEN ACKNOWLEDGE THE EXISTENCE OF A SHIP AGENT, YET WE COORDINATE 90% OF ANY GIVEN PORT CALL.
- AGENTS ARE THE ONLY ENTITY THAT USCG AND CBP CONTACT IF THERE IS AN INCIDENT OR ISSUE ON BOARD A VESSEL.

- BY UPDATING MTSA THE USG IS PRESSING THE IMO TO UPDATE ISPS WHICH WILL ONLY INCREASE SECURITY ACROSS THE ENTIRE INTERNATIONAL MARITIME COMM.

BY DOING THIS WE ARE ABLE TO IMPROVE MARITIME AWARENESS, SECURITY AND ANALYTIC TRAINING, ACROSS BOTH THE USG AND INTERNATIONAL MARITIME INDUSTRY.

MARITIME SECURITY GUARDS

- MOST PETROLEUM AND CHEMICAL FACILITIES ARE NOT UNIONIZED OR LICENSED THROUGH THE WATERFRONT COMMISSIONS, WHICH MEANS THOSE GUARDS DO NOT REQUIRE MARITIME TRAINING OR LICENSING.
- CAN BE SAME GUARDS THAT ARE PROTECTING SCHOOLS, MALLS, ETC.
- SOME FEEL OFF DUTY POLICE ARE THE ANSWER, BUT WITHOUT APPROPRIATE MARITIME TRAINING AND LICENSING THEY CAN BE MORE DANGEROUS TO THE FACILITY IF THEY ARE NOT AWARE OF THE MARITIME ENVIORNMENT.
- USE OF FORCE, STILL REMAINS UNANSWERED BY VIRTUALLY EVERY SECTOR OF THE GOVERNMENT FOR THESE GUARDS.
- SOME FACILITIES HAVE "MARITIME TRAINED SECURITY GUARDS" IN PLACE, BUT THEY ARE VERY LIMITED.

BY CLARIFYING THE REQUIREMENTS FOR MARITIME SECURITY GUARDS IT WILL ENSURE NATIONAL SECURITY IS SAFEGUARDED WITHOUT ENCUMBERING THE SUPPLY CHAIN BECAUSE WE ARE EXPECTED TO HAVE EFFECTIVE SECURITY.

VESSEL SECURITY OFFICER (VSO)

- GENERALLY THE MASTER OR THE CHIEF OFFICER IS ASSIGNED WITH
- THE ADDED TASK OF BEING A VSO ON BOARD A VESSEL.
- THE ACTUAL DUTIES OF A VSO IS JUST AS IMPORTANT AS THE ROLES THAT THE MASTER AND THE CHIEF ARE ALREADY RESPONSIBLE FOR.
- IF IMO CAN DICTATE THE RULES OF ISPS THEN THEY SHOULD CONSIDER VESSELS TO HAVE A SEPARATE CREW MEMBER TO BE RESPONSIBLE FOR SECURITY, OR AT THE LEAST FOR HIS OR HER OTHER DUTIES AS A SECONDARY POSITION RATHER THAN SECURITY BE THE SECONDARY POSITION AS IT IS NOW WITH THE HIGHER RANKING OFFICERS ON BOARD.
- CRUISE SHIPS HAVE VSO'S ON BOARD AS PASSENGERS ARE THEIR COMMODITY. UNDER THAT SAME LOGIC, HIGH RISK CARGO'S (LPG, LNG, CDG) SHOULD BE HELD TO THE SAME STANDARD.

BY HAVING THIS ROLE DESIGNATED TO ONE PERSON AND CREATING AN OGANIZATION OF VSO / FSO / CSO'S YOU WILL BE ABLE TO DISSEMINATE THREAT WARNINGS QUICKLY AND EFFECTIVELY BETWEEN INTERNATIONAL MARITIME COMMUNITIES AND NATIONAL GOVERNMENTS. THIS WOULD ALSO EFFECTIVELY ASSIST WITH COMMS BREAKDOWNS IN TSI SITUATIONS AS THEY WOULD NOT BE CONCERNED ABOUT COMMERCIAL ISSUES ONLY SECURITY.

GATE LISTS TO FACILITIES

- TERMINALS LEAVE DETERMINATION OF VISITORS AND APPROVAL OF GATE LISTS SOLELY UP TO THE PORT AGENT.
- THERE IS CURRENTLY NO REQUIREMENTS OR VETTING PROCEDURES IN PLACE FOR THIS.
- FACILITY SECURITY PLANS MUST BE AMENDED TO PUT IN PROTOCOLS TO VET THESE LISTS WITH ORGANIZATIONS LIKE TSC (TERRORIST SCREENING CENTER) OR NCIC.
- DAILY AGENTS GET CALLS FROM PEOPLE SAYING THEY NEED TO BOARD, AND EASIEST THING FOR THEM TO DO, IS JUST ADD THE NAME.
- VENDORS USE THIS TO THEIR ADVANTAGE TO MAKE SALES CALLS. IF VENDORS HAVE FREE REIGN TO BOARD, SO DO POTENTIAL TERRORIST'S. ALL THEY NEED TO DO IS HAVE AN IDEA OF A SHIP SCHEDULE AND THE TELEPHONE NUMBER OF THE AGENT.

THERE MUST BE STRICTER REQUIREMENTS FOR ACCESS/EGRESS VETTING. WE ARE EFFECTIVELY DEFEATING EVERY SECURITY MEASURE WE PUT INTO PLACE BY ALLOWING PERSONS TO SIMPLY GAIN ACCESS. THERE ARE MANY EASY SOLUTIONS AVAILABLE TO INDUSTRY BUT THEY HAVE TO PUT OUT THERE FOR THEM TO KNOW. IT WILL LIMIT THE FACILITIES AND PROTECT THE NATION AND INTERNATIONAL MARITIME COMMUNITY.

INSPECTION OF SHIP DELIVERIES

- VERY LITTLE IS DONE ABOUT INSPECTING DELIVERIES MADE TO VESSELS . CURRENTLY CRUISE SHIPS HAVE THE BEST SCREENING, DUE TO THE FACT OF TRANSPORT OF PASSENGERS.
- TANKERS, CONTAINER SHIPS, CHEMICAL CARRIERS, ARE NOT SUBJECT TO THE SAME SCRUTINY.
- LAUNCH AND TRUCK DELIVERY ARE NOT REGULATED BY MTSA.
- DELIVERIES TO LAUNCH COMPANIES OR TRUCKING FACILITIES, MANY TIMES DO NOT UNDERGO ANY INSPECTION PRIOR TO DELIVERY.
- CRUISE SHIPS HAVE MANY ISSUES, IE: MEDICAL EQUIPMENT, OXYGEN CANISTERS FOR ELDERLY PASSENGERS. CHEMICAL OR BIOLOGICAL SUBSTANCES COULD BE PASSED OFF TO A "GUEST" ON BOARD.
- CHEMICAL AND BIOLOGICAL AGENTS MAY HAVE GREATER EFFECTS THAN EXPLOSIVES, ESPECIALLY ON BOARD VESSELS AS IS SEEN BY THE EASY SPREAD OF THE NORWALK VIRUS.
- CHEMICAL AGENTS CAN BE CARRIED DISTANCES DOWNWIND UNTIL THEY ARE DILUTED OR BROKEN DOWN AND BIOLOGICAL EFFECTS COULD TAKE DAYS TO MANIFEST THEMSELVES.

CENTER FOR DISEASE CONTROL

- **THERE IS CURRENTLY NO GUIDANCE OR REQUIREMENTS FROM ANY AUTHORITY IN PLACE FOR PORT WORKERS WHEN IT COMES TO SPREAD OF DISEASE, OTHER THAN THOSE SET FORTH BY THE EMPLOYER IF ANY.**
- **CONCEPT OF MDA SHOULD REQUIRE TRAINING AND UNDERSTANDING OF DISEASES.**
- **VESSELS CREW ARE REQUIRED TO BE UP TO DATE ON VACCINATIONS.**
- **FEDERAL OFFICIALS ARE REQUIRED TO BE UP TO DATE ON VACCINATIONS.**
- **BESIDES THE OBVIOUS RISKS TO THE PORT WORKERS, THINK OF HOW EASILY SOMETHING COULD SPREAD, EITHER BY INTENTION OF A TERRORIST WHO WOULD NEVER EVEN HAVE TO STEP OFF OF A VESSEL TO COMMITT AN ACT OF TERROR.**
- **EVEN WITH H1N1 FEARS THE CDC HAS LITTLE IF ANY INVOLVEMENT WITH THE INTERNATIONAL MARITIME COMMUNITY.**

CDC MUST BE MORE INVOLVED AT THE SAME LEVEL AS USCG AND AMSC'S, ETC.

TWIC

WILL THIS BE THE ANSWER TO PORT SECURITY ISSUES AS SO MANY PREVIOUSLY THOUGHT?

- **NO, MANY LOOP HOLES HAVE BEEN CREATED IN THIS PROGRAM.**
- **WHY WOULD THE CARD EVEN BE RELEASED WITHOUT THE READER?**
- **FLASH PASS = LESS SECURITY.**
- **TWIC WILL NOT RESOLVE THE ISSUES OF VISITORS ACCESS/EGRESS CONTROL TO VESSELS AND FACILITIES. PEOPLE LIKE CHANDLERS AND RADAR TECH'S WILL NOT NEED TO BE TWIC'ED**
- **WE MUST NOT FORGET THAT EVERY ONE OF THE 9/11 HIJACKERS HAD THE APPROPRIATE IDENTIFICATION TO BOARD A PASSENGER AIRCRAFT, WHICH HAS STRICTER GUIDELINES THAN THOSE SET FORTH IN THE TWIC PROGRAM.**

SHIP AGENTS ARE MDA BE DEFINITION

- **PRESENTLY THERE ARE NO REQUIREMENTS TO BECOME AN AGENT.**
- **PRESENTLY THERE IS NO LICENSING PROGRAM OFFERED TO BECOME AN AGENT.**
- **PRESENTLY THERE IS NO CERTIFICATION PROCESS OR REQUIRED TRAINING TO BECOME AN AGENT**

AN AGENT CAN VIRTUALLY BE HIRED AND INSTANTLY BE HANDLING THE SECURITY OR SAFETY OF AN ENTIRE PORT.

WHY WOULD THE FEDERAL GOVERNMENT NOT STEP IN AND WHY WOULD THE INDUSTRY NOT DEMAND IT.

POSSIBLE SHIP AGENCY THREATS

- TRANSFER OF SECURE INFORMATION AND HANDLING OF SSI.
- TRANSFER OF EXCESSIVE FUNDS WITH LESS SCRUTINY BY BANKS, ETC.
- WITHOUT BACKGROUND CHECKS, TERRORIST COULD THEMSELVES BE AGENTS OR ASSIST WITH ATTACKS. **TWIC DOES NOT RESOLVE THIS!!!!!!**
- CONTROLLING OF ACCESS/EGRESS TO VESSELS.
- CAN ACTUALLY BE USED AS A MEANS OF DELIVERY OF A WMD TO OR FROM A VESSEL AS NOT SCREENED OR REGULATED EITHER INTENTIONALLY OR UNINTENTIONALLY.

CUSTOMS HOUSE BROKER LICENSE REQUIREMENTS

- CUSTOMS HOUSE BROKERS ARE REQUIRED TO BE LICENSED BY THE TREASURY DEPARTMENT AND MUST HOLD A CORPORATE LICENSE.
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- **BROKERS FILE BILLS OF LADING, AND CARGO ENTRIES.**
- In order to file bills of lading, Brokers contact the agent to collect the information in order to complete the bills of lading for export. They also must attain the signature of the agent on the Bill of Lading and it is the agent's responsibility to file that Bill of lading at Customs.
- **YET THE AGENT IS NOT REQUIRED TO BE LICENSED OR REGULATED BY ANY MEANS.**

INTERNATIONAL FREIGHT FORWARDER LICENSE REQUIREMENTS.

- An International Freight Forwarder must undergo a background check and be licensed by the Federal Maritime Commission.

- **A SHIP AGENT NOTIFIES THE FORWARDER OF THE DISPOSITION OF**
- **THE CARGO.**

- A Freight forwarder books Cargo with a particular Line. That Line hires a Ship Agent to clear the Cargo and prepare the Vessel, it's Master, and Crew for departure to the Next Port.

- To Clarify, this means the Exporter has a license, who books with a Line, who has a license, who hires a Ship Agent, to handle and coordinate everything, WHO DOES NOT HAVE A LICENSE.

TOO MUCH CONCENTRATION ON CONTAINER SHIPS AND CONTAINER SECURITY INITITAVES

Petroleum industry

- UNLIKE A CONTAINER SHIP WHERE THERE IS FEAR OF A DANGEROUS CARGO OR THREAT IN A PARTICULAR CONTAINER, THESE VESSELS REGULARLY CARRY MILLIONS OF GALLONS OF WHAT IS CONSIDERED CERTAIN DANGEROUS CARGO (LPG / LNG).
- VERY SIMPLE TO HIDE A WMD IN AN ENGINE ROOM OF A TANKER, AND MUCH LESS SCRUTINIZED.
- MUCH HARDER TO KEEP TRACK OF TRAMP MARKET AND INDUSTRY (MANY TIMES DISCHARGE ORDERS CHANGE BY THE MINUTE, GIVING SOME FACILITIES AND USCG AS LITTLE AS 3 HRS NOTICE OF WHERE A VESSEL MAY CALL OR SHIFT TO INSIDE A PORT DEPENDING ON BERTH AVAILABILITY).
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- MOST FACILITIES WORK ON ONLY A 1-3 DAY CAPACITY OF STORAGE.
- REFINERIES WOULD BE IN SERIOUS CONDITION IF THERE WERE A PORT CLOSURE OF UP TO 2-3 DAYS AS THEY MAY NOT BE ABLE TO KEEP FACILITY OPERATIONAL WITHOUT DELIVERIES, AND A SHUT DOWN COULD CAUSE SERIOUS DAMAGE TO MACHINERY AND SAFETY OF FACILITY.
- A MINOR SPILL OF PRODUCT OR INTENTIONAL GROUNDING CAN SHUT DOWN MAJOR CHANNELS, SHIPPING LANES, SECTIONS OR A COMPLETE PORT UNTIL THE INCIDENT IS CONTAINED.

PEOPLE DON'T THINK! WHY INVEST MILLIONS OF DOLLARS INTO GATES, CAMERAS AND SECURITY TECHNOLOGIES IF YOU ARE NOT GOING TO INVEST ANY MONEY INTO THE GUARDS SECURING THEM.

IT SHOULD NOT JUST BE ABOUT BEING COMPLIANT, IT SHOULD BE ABOUT BEING SECURE.

WE MUST BE PROACTIVE AND NOT JUST REACTIVE

Aware – Compliant – Willing to adapt

No matter what your opinion is:

- USA has too much security
- USA does not have enough security
- USA has unnecessary restrictions
- USA has wrong restrictions

it doesn't matter, because either way these restrictions and Security issues are in place and rather than fight them, owners should be AWARE of them, COMPLIANT with them and WILLING TO ADAPT to them.

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