

MARITIME TRANSPORTATION SECURITY ACT of 2002 (MTSA) EFFECTIVENESS

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U.S. Coast Guard Captains of the Port (COTP) have been working with the Maritime Industry to effectively implement the MTSA regulations since 2004. The industry and the Coast Guard share a common goal in this effort – to keep our facilities secure. Overall, the industry has achieved a very high rate of compliance with Coast Guard regulations. Our nation's ports and facilities are more secure due to the patriotism and professionalism of facility operators, Facility Security Officers, and the many workers, employees, and contractors that remain vigilant on the waterfront every day.

The Coast Guard Headquarters Office of Port and Facility Compliance (CG-FAC) has been collecting and analyzing data to learn how Coast Guard inspectors and facility operators can improve security. Typical deficiencies include: 1) Access Control, 2) Restricted Areas, 3) Drills & Exercises, 4) Owner/Operator Requirements, and 5) Audits & VSP/ASP Amendments. What does this really mean, though? How are you supposed to use this information to improve your security posture, either as an inspector or a person with security duties? To help you develop answers to these questions, we have compiled a list of these deficiencies based on their narratives. We recommend you consider this information when updating your Facility Security Plan/conducting new Facility Security Assessments, preparing for inspections, and working on Port Security Grant applications.

The information below is taken directly from compliance reports. Please use it with the understanding that it is not presented in any priority order or with any of the context that might otherwise help understand the cause of the violation, or its significance. These are simply examples of common violations observed by our inspectors.

Access Control

1) Failure to secure access points:

Left gate open...unattended.

Facility failed to provide an escort for person without TWIC in a secure and restricted area.

While on facility the subject's escort allowed him to travel the port alone.

2) Failure to check identification:

Individual gained access through gate by piggy backing behind a delivery truck.

Security guard failed to properly check vehicle entering the facility.

3) Damaged areas of access controls:

Facility owner/operator must ensure the implementation of security measures to control access to the facility. A section of the facility's perimeter fence around a restricted area contained a large hole.

Vegetation growing over fence line, allowing unauthorized access to occur.

An emergency stop gate was malfunctioning and needs to be replaced.

4) **Missing required signage to identify access control:**

Restricted Area signage illegible.

5) **Misunderstanding or not knowing security procedures as per FSP:**

Facility failed to conduct screening at the rate specified in their FSP.

Restricted Areas

1) **Proper marking of restricted areas:**

Facility was missing "Restricted Area" signage.

Doors leading to office where FSP is stored do not contain signs designating the office as a Restricted Area.

Restricted access signs not posted outside security camera server room, on file cabinet in FSO office, and on one gate dock.

2) **Not storing required documentation within a restricted area :**

Sensitive Security Information not kept in an area designated as a Restricted Area.

Storing the Facility Security Plan in an area that is not designated as Restricted Area.

3) **Missing signage:**

Missing Restricted Area signage.

No restricted area signs on the facility perimeter fence along street.

Security Drills & Exercises

1) **Not able to meet drills and exercise schedule requirement:**

Facility failed to perform security drills in 3 month intervals.

FSO must ensure that at least one security drill is conducted every 3 months.

2) **Failure to conduct drills and exercises:**

Drills shall be conducted every 3 months.

Failure to conduct security exercise.

3) **Improper storage:**

Drills, exercises, and SSI documentation improperly stored with non-SSI material.

4) **Improper and/or missing documentation:**

Facility could not produce records of any drills.

Facility raised MARSEC level to satisfy a security drill but did not maintain records for the increase or notify local COTP of increase.

Failed to maintain drill records as required.

The FSP must identify that exercises can be either facility-specific or part of a cooperative program with applicable facility and vessel security plans or comprehensive port exercises.

Owner/Operator Requirements

1) Improper notification to USCG:

Breach of security was not reported without delay.

FSO did not resubmit his FSP for renewal before the expiration date.

Facility failed to immediately report a breach of security to the National Response Center.

Facility did not submit its FSP for its 5 year renewal.

2) Improper notification/instruction to/for employees:

Each facility owner or operator must notify facility employees of what parts of the facility are secure areas and public access areas, as applicable, and ensure such areas are clearly marked.

Facility personnel responsible with security duties must have knowledge in relevant provisions of the FSP, TWIC Escort Company contracted by the facility did not follow relevant provisions of the Facility Security Plan (FSP) as employees with security duties.

The facility owner or operator must notify facility employees of what parts of the facility are secure areas and ensure such areas are clearly marked. The front gate, pump house, and transfer area fencing do not have secure area signs.

3) Proper FSP Updating:

Owner/Operator failed to ensure annual audits of the facility security plan were conducted by persons with requisite knowledge as required by 33 CFR 105.415(b)(4)(i) in accordance with the facility security plan.

A current list of FSO's is not updated in FSP.

Owner and operator section must have TWIC requirements incorporated.

The facility owner or operator must designate, in writing, a FSO and identify how the officer can be contacted at any time. CSO and FSO listed in FSP have retired and are no longer in those positions.

4) Proper Implementation of FSP:

Owner/Operator failed to ensure that contingency operations were implemented following the identification of a critical security system failure in accordance with the facility security plan.

Owner/Operator must ensure that the facility operates in accordance with the approved Facility Security Plan, facility failed to follow incident procedures as outlined in the approved FSP.

5) **Improper deployment of security equipment:**

Owner/Operator did not provide facility security personnel with the ability to monitor video surveillance systems 24hrs a day per approved FSP. A monitoring screen is not provided at the facility for the installed video cameras.

Audits and VSP/ASP Amendments

1) **Failure to conduct annual audit: multiple accounts.**

Annual audit of FSP not being conducted.

Conduct annual audit in accordance with 33 CFR 105.415.

2) **Failure to submit changes:**

Conduct a review of the FSP and submit any changes to the Coast Guard for approval.

The FSO must ensure an audit of the FSP is performed annually. The FSO has not had an audit of the FSP in accordance with 33 CFR 105.415(b)(1).

3) **Improper notification to USCG:**

FSP contained unapproved amendments. Proposed amendments must be submitted to the COTP at least 30 days before they take effect.

Facility failed to submit fence amendment to the COTP 30 days prior for approval.

4) **Failure to update/document into FSP:**

FSO must ensure that FSP is audited annually and provide certifying documentation.

The current FSP needs to be amended to reflect the facility's operations, policies and designated restricted areas.

In addition to completing a new FSP amendment, the facility must update the FSA each time the FSP is submitted for revisions.

5) **Incomplete CG-6025:**

The FSP table of contents does not address the Facility Vulnerability and Security Measures summary (Form CG-6025).