



DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD



# OFFICE OF PORT AND FACILITY COMPLIANCE

2019 ANNUAL REPORT

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Throughout this document, various policies, instructions, and strategies are referenced. For a comprehensive list and electronic access to these documents, please see the CG-FAC links at the back. Please note: some of these items may require Coast Guard access to the CG-only web portal.

\*Cover photo of Port Newark Container Terminal. (Photo credit: Port Authority of New York and New Jersey <https://ajot.com/premium/ajot-now-ranked-no-2-among-us-containerports-new-york-new-jersey-ready-to-sustain-success>)

# EXECUTIVE SUMMARY

The mission of the Office of Port and Facility Compliance (CG-FAC) is to provide safety, security, and environmental stewardship for the nation's ports and facilities. CG-FAC strives to provide clear regulations, policy, and direction to Coast Guard (CG) operational commanders and other stakeholders to ensure our port communities are a safe, secure place to do business, live, and work.

CG-FAC persists in leading the charge with developing guidance for cyber systems and ensuring the safety and security of ever-evolving information and operational technology in the Marine Transportation System (MTS). With the promulgation of the Federal Aviation Administration (FAA) Reauthorization Act of 2018, CG-FAC prepared policy guidance to meet these regulatory requirements. The Cyber Navigation and Vessel Inspection Circular (NVIC) underwent thorough review and updates and made its way through the Department of Homeland Security (DHS) and the Office of Management and Budget (OMB). CG-FAC remained actively engaged in key partnerships with Area Maritime Security Committees (AMSCs) and respective appropriate Cybersecurity Subcommittees in developing the Maritime Cyber Risk Assessment Model (MCRAM) to enhance cyber risk management in the MTS. Furthermore, CG-FAC was heavily engaged with other CG entities, Transportation Security Administration (TSA), and DHS on the delivery of the Transportation Worker Identification Credential (TWIC) Delay Rule and forthcoming the TWIC Corrective Action Plan (CAP).

The 2019 hurricane/typhoon season set a record for short lived storms concluding with eight of the 18 named storms lasting 24 hours or less, and six hurricanes, two of which were major hurricanes. Most notably, Hurricane Dorian, tied with the Labor Day Hurricane of 1935 as the most powerful land falling Atlantic hurricane (by wind speed) on record. These 2019 storms resulted in over \$22 billion<sup>1</sup> in damages and impacted ports in Texas, Louisiana, Florida, Georgia, South Carolina, North Carolina, and Virginia, as well as devastating our neighboring island nation, the Bahamas. The excellent communication between all levels of command and the outstanding work by local Marine Transportation System Recovery Units (MTSRUs) ensured senior leaders in the Federal Emergency Management Agency (FEMA), the Department of Transportation (DOT), DHS, and CG were well informed of the status of vital ports and directly attributed to the development of viable alternatives to enable the flow of relief efforts. The CG recognizes the value of collaboration and continues to encourage cooperation with federal, state, local, tribal, and territorial officials, and our industry port partners to support MTS safety, security and resilience.

Most importantly, CG-FAC is extremely proud to support the Coast Guard men and women who, in 2019, completed over 5,600 security compliance inspections<sup>2</sup> required by the SAFE Port Act of 2006 and FAA Reauthorization Act of 2018, over 53,400 visual and electronic inspections of TWICs<sup>3</sup>, and more than 29,000 container inspections<sup>4</sup>. Maintaining a strong operational presence on the waterfront is key to safe and secure ports. In addition, Port Security Specialists oversaw the coordination of 126 events that tested the effectiveness of their respective port-level Area Maritime Security (AMS) plans and supported maritime security preparedness and recovery regimes through the engagement of federal, state, local, tribal, and territorial government and private sector stakeholders. We are equally grateful to the many facility operators, port workers, mariners, and other agency personnel whose patriotism and hard work are equally vital to our success.

Captain Bradley Clare, USCG

1 <https://www.accuweather.com/en/weather-news/accuweathers-2019-total-storm-damage-estimate-is-22-billion/604569>

2 As per the MISLE Facility Activities Coast Guard Business Intelligence System.

3 As per the MISLE TWIC Workers Coast Guard Business Intelligence System.

4 As per the MISLE Container inspections Coast Guard Business Intelligence System.

# Highlights of 2019

## MARINE TRANSPORTATION SYSTEM RECOVERY

### **Biennial National Advanced MTSRU Workshop**

CG-FAC hosted its biennial National Advance Marine Transportation System Recovery Unit (MTSRU) Workshop at Patrick Air Force Base, Port Canaveral, Florida from March 26-28, 2019. The MTSRU is a part of an overall Marine Transportation System (MTS) response and recovery effort following a significant disruption to maritime port activities. This three-day event was one of the largest Coast Guard conferences of its kind hosted in 2019, bringing together more than 65 MTSRU members representing every Coast Guard Sector. The goal of the workshop was to keep key Coast Guard Security Specialists (Port/Recovery) and military personnel aware of the latest information related to MTS response and recovery principles, updated policy and guidance, as well as lessons learned from real world events and contingency planning exercises. The workshop focused on MTS recovery challenges and best practices noted during Hurricanes Florence, Harvey, Irma,



Maria, Michael and the FEMA 2018 National Level exercise. The agenda also included an emphasis in the areas of Cyber Risk Management, Post Storm Assessments and Recovery Strategies, FEMA National Response Coordination Center (NRCC) and Emergency Support Function (ESFs) roles with MTS support. As a result, this effort improved port resiliency and prepared the recovery community to effectively respond to port disruptions.

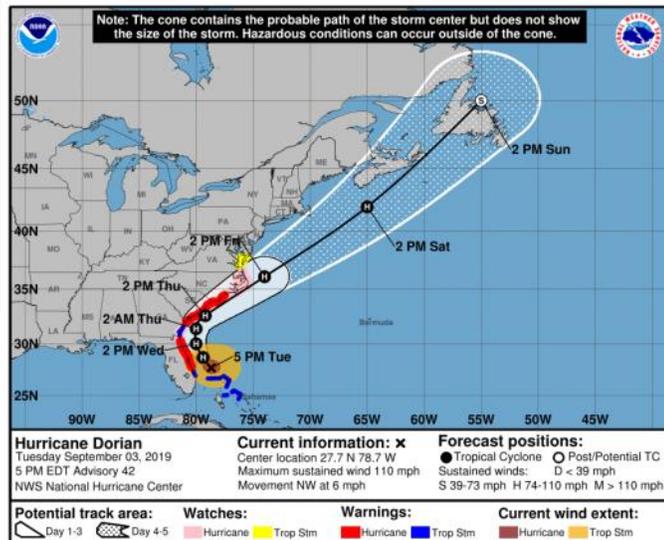
### **Tactics, Techniques, and Procedures for Security Specialists**

CG-FAC-1 is working with FORCECOM's TTP division to develop Tactics, Techniques, and Procedures (TTP) for the Security Specialists (SS) Port Recovery (P/R). The TTP will focus on how to complete specific tasks required as an SS (P/R). These task specific publications will serve to standardize and improve the completion of specific SS (P/R) job tasks throughout the Coast Guard. This effort will enhance the workforce's credibility within their public and private constituency.

# Highlights of 2019

## FEMA NRCC Support

CG-FAC and members of CG HQ continued to support the Federal Emergency Management Agency's (FEMA) National Response Coordination Center (NRCC) by standing watch as Emergency Support Function One (ESF-1; Transportation). During the 2019 hurricane season, CAT-5 Hurricane DORIAN was an extremely powerful, long-lived storm that devastated the northwestern Bahamas and threatened the southeastern U.S. coast from Florida to Virginia, making landfall in North Carolina. ESF-1 watch standers vital role provided senior leadership situational awareness and MTS impact to U.S. port status and potential effects on maritime commerce.



# Highlights of 2019

## **BIENNIAL FACILITY INSPECTOR AND PORT SECURITY SPECIALIST ROADSHOWS**

This year, CG-FAC completed its Facility Inspector and Port Security Specialist (FI/PSS) Roadshows by visiting all nine Districts and a field unit, Sector Houston, who requested a site visit from CG-FAC. At least two members from CG-FAC facilitated the roadshow, which brought FI/PSS Sector representatives to their respective districts. There were 20 attendees on the average with customary introductory remarks by District Senior Leadership. The goal of the roadshow was to foster better communication and consistency between Headquarters, Areas, Districts, and field units in implementing the standards and intent of the regulations and policies CG-FAC administers.

The 2019 agenda included the Transportation Worker Identification Credential (TWIC), Maritime Cyber Security Risk Management, Unmanned Aerial Systems (UAS), the Area Maritime Security Committee (AMSC) annual reporting, Alternative Security Program, Facility Safety and Security updates, among others. These topics have been dynamic over the last several years due to newly issued rules and regulations, technological advances, and the ever-expanding maritime industry.

After the roadshows, CG-FAC was able to compile a list of “lessons learned” and questions/issues from the attendees. This compilation of questions with answers were posted on the CG-FAC-2 Portal page under the Shared Documents section. As always, if the field needs any assistance from CG-FAC on policies or procedures please send up a request through the Chain of Command, District, and Area and we will be happy to assist.



# Highlights of 2019

## ALTERNATIVE SECURITY PROGRAM WORKSHOP



The National Alternative Security Program (ASP) Sponsoring Organizations held an Alternative Security Program Workshop in Washington, D.C., on May 2, 2019, to discuss ongoing and emerging issues related to meeting regulatory requirements of the Maritime Transportation Security Act (MTSA) of 2002. MTSA was enacted to keep our coasts and vital waterways open, safe and secure for commerce and recreation. A number of CG-FAC personnel attended and participated. Other attendees came and represented 11 industry organizations that oversee thousands of MTSA-regulated vessels and over 150 MTSA-regulated facilities that share common business models. Industries represented include passenger, ferry and gaming vessels, offshore service and towing vessels, chemical and barge fleet facilities, and grain terminals. DHS representatives from Transportation Security Administration (TSA) and Cybersecurity and Infrastructure Security Agency (CISA) also attended and participated in the workshop.

The workshop's agenda consisted of a series of morning briefs from Coast Guard Headquarters staff on a wide variety of topics including: Cruise Ship & Seafarer Shore Access regulations, TWIC Reader Final Rule; Cyber, Unmanned Aerial Systems (UAS), Facility Security Officer (FSO) training requirements, Chemical Facility Anti-Terrorism Standards (CFATS) and the Policy Advisory Council (PAC) registry, and MTSA compliance deficiencies found aboard ASP facilities and vessels.

Open discussions were held to allow all participants an opportunity to ask any unanswered questions as well as share lessons learned and best practices. Some topics that came up during this open panel were compliance deficiencies, Breach of Security Reporting, the PAC Registry and FSO Training.

Captain Jennifer Williams, Director of CG-5PC, addressed the attendees and spoke about Coast Guard priorities, especially from the prevention viewpoint. She answered many questions from the attendees and her dialogue and knowledge were greatly appreciated. Captain Ryan Manning, CG-FAC Office Chief, also addressed the attendees and commented, "Every opportunity we have to meet with large industry groups, to listen to their issues, and address areas of concern is certainly beneficial. Discussions surrounding emerging challenges are of value to everyone in attendance."

# Highlights of 2019

## REPORTING OF INADEQUATE PORT RECEPTION FACILITIES

As a party to MARPOL, the U.S. is obligated to ensure the provision of Port Reception Facilities (PRF) at ports and terminals servicing ships on international voyages. Additionally, the U.S. is obligated to report to IMO where PRF are inadequate in meeting the needs of ships using U.S. ports and terminals. Ships may voluntarily report inadequacies, through their own Flag State Authority to the IMO and should inform the respective Port State Authority. Voluntary reporting will assist Port States in addressing inadequacies and meeting their reporting obligation to IMO. In 2019, CG-FAC continued efforts to educate Coast Guard field units and work with other flag states on addressing issues related to reception facilities throughout the country.

## CERTIFICATE OF ADEQUACY FIELD VISITS

CG-FAC-2 initiated Certificate of Adequacy (COA) field visits to examine how the COA program is being implemented by industry and inspected by the USCG. There has been concerns that the COA program has been neglected or has become disconnected from its original intent over the years that are now being actively addressed. In 2019, field inspections were completed at Sector Houston-Galveston, Sector Miami, Sector Virginia, Sector Boston, Sector Hawaii, and Sector Guam. It was found that several ports/terminals leave it up to the vessel agents to organize the provision of a reception facility, yet as holders of the COA, ports/terminals are responsible for the provision of adequate facilities and any pollution event that may result from the transfer of wastes to reception facilities. CG-FAC-2 is fostering ongoing dialogue amongst facilities, ship agents, vessels, and Sectors to return the program to its original intent. Furthermore, CG-FAC-2 is also working with NOAA and the National Marine Fisheries Services to identify fishing ports at Sectors that land more than 500,000 pounds of commercial fish products per calendar year and are required to have a COA for Garbage. Sector Boston led and completed this initiative in 2019 and lessons learned are currently being drafted to be shared with other Sectors.



*Offloading of APHIS garbage (MARPOL Annex V) and oil sludge (MARPOL Annex I) during a COA visit.*

# Highlights of 2019

## **ARCTIC WORK ON PREVENTION OF POLLUTION OF THE MARINE ENVIRONMENT**

CG-FAC-2 staff has worked closely with a NOAA led U.S. delegation on the Arctic Council Work Group on Protection of the Arctic Marine Environment (PAME). With Polar Code amendments that came into force on January 1, 2017, this work group assesses increases in shipping traffic because of climate change and marine transportation infrastructure within Arctic and near Arctic ports including port reception facilities required by The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended, (MARPOL). In 2019, CG-FAC-2 staff and international partners submitted proposals

for the amendment of MARPOL to allow regional arrangement of reception facilities for ports in the Arctic. These draft amendments will be submitted to the IMO Marine Environmental Protection Committee (MEPC) in 2021 for adoption, with all Arctic countries serving as co-sponsors.



## **MARINE INFORMATION FOR SAFETY AND LAW ENFORCEMENT (MISLE) ENHANCEMENTS**

In 2019, CG-FAC submitted four MISLE enhancement requests in an effort to improve Facility Inspection management capabilities. These enhancements included adding the annual container inspection performance goal of each unit, establishing primary and subsidiary COTP zones for mobile facilities, merging facility files of mobile facilities that operate in multiple COTP zones, and including the last, current, and next Safety and Security inspection dates. Furthermore, details were added with regards to the Breach of Security Inspection Types. One of the following six categories may be selected: 1) Cyber, 2) Prohibited Items List, 3) Trespass, 4) TWIC, 5) UAS/Drone, 6) Other with a comment box.



# Cyber Risk Management

## CYBER NVIC

CG-FAC continued efforts to develop the draft Cyber Navigation and Vessel Inspection Circular (NVIC) that was released via the Federal Register in July of 2017. The intent of the Cyber NVIC is to call industry’s attention to MTSA regulations that require “radio and telecommunication systems, including computer systems and networks” to be addressed in facility security assessments. (FSAs). While a good portion of work was completed in 2019, the Cyber NVIC was recently published March 2020. Units are encouraged to review the Cyber NVIC and implementation guidance and engage in conversations with facility owners, operators, and security officers about facilities’ cybersecurity/cyber risk management programs and how to begin incorporating cyber into their FSAs and Facility Security Plans (FSPs). The Cyber NVIC itself is an



awareness tool to inform industry of the requirement to include cyber and provides examples of how cyber might relate to cites within 33 CFR 105 and 106. The Cyber NVIC, Federal Register Notice of Availability (NOA), and Frequently Asked Questions (FAQs) can be found on our CG-FAC website. Additionally, our office is finalizing a cyber-focused job aid to assist facility inspectors and will be released as soon as practicable and will also be located on our [CG-FAC website](#).

## Maritime Cyber Risk Assessment Model (MCRAM)

Section 1805(a) of the FAA Reauthorization Act of 2018 requires the Coast Guard and DHS to develop a MCRAM. In August 2019, the Coast Guard entered into contract with the MITRE organization a Federally Funded Research and Development Center (FFRDC), to assist in the development of the model. Follow-up guidance from the FAA Reauthorization Act indicated that the model should be voluntary, utilize the NIST Cybersecurity Framework, and serve as a national model which could be tailored at local levels. This was similar to the process the Coast Guard took in developing Cybersecurity Framework Profiles in recent years. In coordination with Area Maritime Security Committees (AMSCs), and respective appropriate Cybersecurity Subcommittees, a series of workshops has been planned in five different port locations throughout the country to engage stakeholders and define cyber risks of the maritime transportation system (MTS) that will be used to build the model.



An initial Coast Guard and DHS CISA workshop was held at Coast Guard Headquarters in December 2019. The first workshop outside Coast Guard Headquarters was conducted in New York in January 2020 and the remaining workshop locations include Houston, Los Angeles/Long Beach, Hampton Roads, and Miami.

# National Container Inspection Program Updates

During 2019, CG-FAC-2 released an updated a version of the National Container Inspection Program (NCIP) manual and the associated Tactics, Techniques, and Procedures (TTP), which includes Coast Guard policy and procedures for carrying out inspections to ensure the safety of multi-modal shipping containers and the commodities carried inside them. These updates are intended to provide more clarity on various aspects of the program, including inspections that should be conducted on each container, methodology for selecting the number and types of containers for inspection, outline additional partnerships units should build with other government agencies in regards to containers, and reduces the number of containers that must be handled in a Captain of the Port zone before a Multi-Agency Strike Force Operation (MASFO) is required to be coordinated by the Coast Guard.



Additionally, the Curriculum Outline for the Coast Guard Container Inspector Course, taught by the Container Inspection Training and Assistance Team (CITAT), was approved to formalize performance based criteria in the updated course and ensure new inspectors demonstrate proficiency and knowledge in this apprentice training, rather than simply testing "book smarts" during the course.

CG-FAC-2 worked with the Federal Maritime Commission (FMC) on an information sharing Memorandum of Understanding (MOU). Under this MOU, among other things, CG-FAC-2 will provide FMC with reports of inspections where the Coast Guard identifies undeclared or mis-declared hazardous materials during container inspections, so FMC can investigate if the shipper was circumventing FMC approved fee structures for shipping containers. This information sharing and subsequent investigations by FMC will help enhance the safety of the Marine Transportation System by allowing FMC to serve as a force multiplier in assisting to prevent undeclared or mis-declared hazmat from being shipped in the future.

Finally, CG-FAC-2 continued to work with the National Cargo Bureau to maintain an awareness of container shipping issues internationally, and liaised with CITAT and international entities to provide training at the World Maritime University in Malmo, Sweden and to the Panama Canal Authority to help build knowledge and container inspection capacity worldwide to protect vessels, facilities, and the MTS from adverse impacts due to container incidents.

## 2019 Facility Safety Statistics

The Coast Guard conducts facility compliance inspections on regulated facilities. These facilities are regulated under certain Inspection Parts in 33 Code of Federal Regulations (CFR). These include: facilities handling packaged and bulk-solid dangerous cargo (33 CFR 126), liquefied natural gas (LNG) and liquefied hazardous gas (LHG) facilities (33 CFR 127), bulk liquid oil and hazardous material facilities (33 CFR 154) and reception facilities for oil, noxious liquid substances, and garbage (33 CFR 158). The following table indicates the number of active regulated facilities for each type of facility:

Inspection Part	Type of Facility	Number of Active Regulated Facilities
33 CFR 126	Packaged and Bulk Solid Dangerous Cargo	351
33 CFR 127	Liquefied Natural Gas & Liquefied Hazardous Gas	122
33 CFR 154	Bulk Liquid Oil & Hazardous Materials	2,477
33 CFR 158	Reception Facilities for Oil, Noxious Liquid Substances, and Garbage	1,179

Coast Guard facility inspectors conduct facility safety inspections and transfer monitor activities to help ensure the safety of facilities and the environment. When deficiencies are identified, in keeping with the Coast Guard's enforcement posture, the Captain of the Port employees the lowest level of action necessary to rectify the issue and compel compliance by the facility in the future. In most instances this results in a written deficiency, education, and working with the facility to ensure the issue is rectified with no need to initiate enforcement action. However, in some instances, the Captain of the Port determines the lowest level necessary to compel compliance is an enforcement action. In 2019, there were 89 determinations of enforcement action. The following table provides the type of enforcement action used:

Enforcement Type	Number of Occurrences
Letter of Warning	31
Notice of Violation	45
Administrative Civil Penalty (Class 1)	13

\* Data source: CGBI CUBEs accessed on 25 February 2020.

\*\* Numbers are subject to change as field units complete additional casework for activities that occurred in CY19.

## 2019 Facility Safety Statistics

Of the 89 enforcement actions, most of the offenses were related to requirements for transfer. The following table indicates the most frequent regulatory cites used for safety enforcement actions:

Citation	Citation Title	Enforcement Offenses Executed
33 CFR 156.120	Requirements for transfer	14
33 CFR 154.1055	Facility Response Plan Exercises	9
33 CFR 156.150	Declaration of inspections	8
33 CFR 126.27	General permit for handling dangerous cargo	5
33 CFR 154.110	Letter of Intent	5
33 CFR 154.740	Records	4
33 CFR 154.750	Compliance with operation manual	4
33 CFR 154.1060	Submission and approval procedures	3
33 CFR 154.500	Hose assemblies	3
33 CFR 154.710	Persons in charge: Designation and qualification	3
33 CFR 154.735	Safety requirements	3

\* Data source: CGBI CUBE accessed on 25 February 2020.

\*\* Numbers are subject to change as field units complete additional casework for activities that occurred in CY19.

## 2019 Facility Security Statistics

As of January 2020, there are 3,081 facilities subject to the MTSA, those of which 2,574 require Facility Security Plans (FSP). Approximately 203 additional facilities have a valid approval letter for an Alternative Security Program (ASP). In 2019, the Coast Guard completed 5,657 security-related MTSA annual and spot check examinations and recorded 129 enforcement offenses against MTSA-regulated facility owners or operators for noncompliance with MTSA regulations. In some cases, examinations of a previously inspected facility were not conducted due to the facility closing or changing their operations, thus removing them from Coast Guard oversight. The 129 enforcement actions in 2019 took place at “105 MTSA-regulated facilities” to include Notices of Violation, Letters of Warning, or administrative civil penalties.

Citation	Citation Title	Enforcement Offenses*** Executed
33 C.F.R. § 101.120	Alternatives	1
33 C.F.R. § 101.305	Reporting, Breach of Security	4
33 C.F.R. § 105.120	Compliance Documentation	2
33 C.F.R. § 105.125	Noncompliance	1
33 C.F.R. § 105.200	Owner or Operator Requirements	27
33 C.F.R. § 105.205	Facility Security Officer Requirements	12
33 C.F.R. § 105.210	Facility Personnel with Security Duties	5
33 C.F.R. § 105.215	Security Training for all Other Facility Personnel	1
33 C.F.R. § 105.220	Drill and Exercise Requirements	6
33 C.F.R. § 105.225	Facility Recordkeeping Requirements	4
34 C.F.R. § 105.235	Communications	1
35 C.F.R. § 105.250	Security Systems and Equipment Maintenance	2
33 C.F.R. § 105.255	Security Measures for Access Control	29
33 C.F.R. § 105.260	Security Measures for Restricted Areas	7
33 C.F.R. § 105.275	Security Measures for Monitoring	1
34 C.F.R. § 105.290	Additional Requirements - Cruise Ship Terminals	2
35 C.F.R. § 105.310	Submission Requirements	1
33 C.F.R. § 105.400	Facility Security Plans - General	2
33 C.F.R. § 105.410	Facility Security Plans - Submission and Approval	8
33 C.F.R. § 105.415	Facility Security Plans - Amendment and Audit	11
33 C.F.R. § 105.525	Terminal Screening Operations	1
34 C.F.R. § 105.535	Training Requirements of Screeners	1
<b>Total</b>		<b>129</b>

\* Data source: CGBI CUBEs accessed on January 2020.

\*\* Numbers are subject to change as field units complete additional casework for activities that occurred in CY19.

\*\*\* As per 18 U.S. Code § 3156, the term “offense” means any criminal offense. Documented “offenses” in this case are violations of the below Code of Regulations (CFRs).

## Official 2019 CY Data Numbers

Description	2018 Data (# Reported)	2019 Data (# Reported)
All types of facilities documented in MISLE	45,608	<b>45,972</b>
All inspections completed at USCG regulated facilities	17,472	<b>17,783</b>
Total waterfront facilities documented in MISLE	8,621	<b>8,743</b>
Total MTSA regulated facilities (all types)	3,144	<b>3,081</b>
Total MTSA regulated facilities that require an active FSP	2,403	<b>2,574</b>
Enforcement Actions that took place at MTSA Regulated Facilities	161	<b>126</b>
Total security related inspections as per the SAFE Port enforcement requirements conducted during a facility inspection	5,469	<b>5,657</b>
Total transfer monitors activities conducted	767	<b>991</b>
Total number of container inspections conducted	26,646	<b>29,098</b>
Facilities that have a valid approval letter to belong to an ASP	150	<b>203</b>
Total number of visual and electronic inspections of TWICs	53,286	<b>53,482</b>
Total operational controls (COTP Order)	51	<b>31</b>

Op Control Type	No.	Top Category
Safety	14	Identified hazardous/ Unsafe condition
Security	10	FSP/ASP not approved or in compliance
Environmental Protection	7	Environmental Protection and identified hazardous/Unsafe Condition



\* Data source: CGBI CUBEs accessed on January 2020.

\*\* Numbers are subject to change as field units complete additional casework for activities that occurred in CY19.

## Enhancing Program Oversight and Inspector Tools

In 2019, CG-FAC-2 promulgated numerous products to enhance facility compliance program oversight, and assist facility inspectors in the field complete jobs.

First, new job aids were released that gave inspectors a condensed, more user friendly version of the long standing job aids, which helps streamline inspections and help ensure more consistency nationwide. The updated job aids include: Designated Waterfront Facility, Fixed Bulk Liquid Facility, LNG Facility, LHG Facility, and Vapor Control System Appendix for the applicable facilities. Additionally, the Curriculum Outline for the Coast Guard Facility Inspector Course at Training Center Yorktown was approved to formalize performance based criteria in the updated course and ensure new inspectors demonstrate proficiency and knowledge in this apprentice training, rather than simply testing "book smarts" during the course.

Next, CG-FAC-2 released Policy Letter 19-02 (MISLE Casework Completion, Review, and Closure for Facility and Container Related Activities), which provides guidance on how to complete post inspection casework, and review and closure of activities. While this doesn't impact industry, it does ensure more consistent and thorough casework is being completed by Facility Inspectors to provide a better historical record of facility oversight and compliance records.

Finally, Policy Letter 19-03 (Coast Guard Waterfront Facility Compliance Activity and MISLE Requirements) was released to provide a methodology for units to change inspection intervals on facilities based on risk. Since this policy letter includes methodology for determining risk on Maritime Transportation Security Act regulated facilities, the policy letter is marked for Official Use Only. This policy letter is intended to serve as a stopgap until a more robust targeting system can be developed to focus our finite resources on facilities as dictated by compliance history and commodities transferred rather than a set schedule, as has been the methodology in the past.



# Rulemakings

## TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

The TWIC reader rule requires owners and operators of certain MTSA regulated vessels and facilities to use electronic readers designed to work with TWIC cards as an access control measure.

On August 2, 2018, the Transportation Worker Identification Credential (TWIC) Accountability Act (Public Law No: 115-230) was passed which prohibited the Coast Guard from:

- 1) implementing the rule titled “Transportation Worker Identification Card (TWIC)-Reader Requirements,” and
- 2) proposing or issuing a notice of proposed rulemaking for a rule that would require the use of biometric readers for biometric transportation security cards.

The Homeland Security Operation Analysis Center (HSOAC) together with RAND Corporation, a nonprofit institution that helps improve policy and decision making through research and analysis, completed the assessment of how effective the transportation security card program is at enhancing security and reducing security risks for regulated maritime facilities and vessels as required by Public Law No: 114-278. The TWIC report was finalized and submitted to Congress. A Corrective Action Plan (CAP) jointly developed by the Coast Guard and Transportation Security Administration (TSA) will address the findings of the HSOAC report.



## SEAFARER'S ACCESS

This rule sets clear regulatory requirements for each facility owner or operator to provide seafarers associated with a vessel moored at the facility (pilot, other representatives of seaman's welfare, and labor organizations) access between the vessel and facility gate without unreasonable delay, and at no cost to the seafarer or other individual. The rule was published April 1, 2019.



The next important date associated with this regulation: June 1, 2020: The facility owner and operator must implement a system for seafarers' access in accordance with 33 CFR 105.237. CG enforcement also begins on June 1, 2020.

# Training



In 2019, Training Center (TRACEN) Yorktown graduated 38 students from the **Facility Inspection course** and 45 students from the **Explosive Handling Supervisor (EHS) course**. Additionally, the Container Inspection Training and Assistance Team (CITAT) graduated 94 Coast Guard and 16 personnel from other government agencies from the **Container Inspection course**.

While CITAT is not a CG-FAC entity, they do serve as an exceptional force multiplier for CG-FAC in advancing the National Container Inspection Program. In this capacity, they assisted three units on Multi Agency Strike Force Operations (MASFO) where they conducted 401 container inspections.

They also taught two Defense Transportation Assistance Courses and assisted on five DOD deployments, effectively training 118 personnel, advising on proper shipment of 1320 pieces of rolling stock, and inspecting 93 shipping containers. Without this assistance, vital DOD supplies could have been detained in ports around the world and negatively impacted DOD mission execution.

CITAT conducted training for 23 international students at the World Maritime University in Malmo, Sweden, June of 2019. This effort educated students from 20 countries, allowing international adoption of Coast Guard best practices and augmentation of cargo safety around the world. They were also part of a team which presented in Panama in support of the Panama Canal Authority. They presented on several topics including containers, safety systems, container loading and lashing. The presentation was part of a large exercise put on by the Panama Canal Authority and served to educate their first responders on events which may involve containers and container ships.

Additionally, CITAT personnel presented at the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Industry Outreach Conference in Dallas, TX, effectively training over 300 industry representatives in shipping hazardous materials.



Picture of World Maritime University in Malmo, Sweden taken from <https://studyabroadstudents.com/how-to-study-abroad-in-world-maritime-university-sweden/>

# Area Maritime Security Committees (AMSCs)

## AMSC OF THE YEAR

In December 2019, Long Island Sound AMSC was recognized as the AMSC of the Year.

The Long Island Sound AMSC distinguished themselves through significant contributions to the security of the nation's Marine Transportation System. Extensive cooperation in intelligence and information sharing advanced mutual public safety and security goals, fostered new partnerships, and increased operational efficiency sharing across the Captain of the Port and Federal Maritime Security Coordinator Zone. The proactive leadership of AMSC subcommittees in the region resulted in facilitation of 70 activities/events and 19 exercises/real time operations, two of which are highlighted below.

- A diverse array of law enforcement and military members used the AMSC framework to devise measures to harden ferries against potential Active Threat/Active Shooter incidents in the Long Island Sound COTP Zone. The unity of effort of these members, resulted in coordinated joint inter-state maritime security operations during high risk exposure periods, which led to further collaboration and use of resources.
- AMSC members partnered together to conduct Operation SHIELD, the Suffolk Homeland Security Interdiction and Education for Long Island Defense. Operation SHIELD was a multi-faceted training and surge operation focused on small vessel security and preventive radiological/nuclear detection operations. The partnerships and best practices built during this operation added extraordinary value to each members' internal training and security programs, and directly tied to risk reduction efforts in relation to security incidents and active threat responses.

A strong AMSC requires hard work and long hours by many parties. The patriotism, professionalism, and impact of the Long Island Sound AMSC is a model for others to follow.

*Capt. Bradley Clare, (right) Chief of the Office of Port and Facility Compliance, presents the Area Maritime Security Committee award to the committee chair, Capt. Kevin Reed, Sector Commander of Sector Long Island Sound, and the two co-chairs, Mr. Bill Hackett with CT Division of Emergency Management and Homeland Security Emergency Management Director; and Mr. Bill Cullen, NYS Division of Homeland Security and Emergency Services Director of Security, during a recognition ceremony in Niantic, Connecticut, Dec. 10, 2019.*



# Area Maritime Security Committees (AMSCs)

## AMSC SUPPORT



Through collaboration, planning, coordination, open lines of communication, and unity of efforts, Area Maritime Security Committees (AMSCs) continue to prove and remain essential to addressing new issues and emerging threats that could impact our national security and economic interests. In 2019, each AMSC assisted with the five year review and update of their respective Area Maritime Security Plans (AMSPs). Federal Maritime Security Coordinators and their AMSCs tested the effectiveness of their updated port-level AMS Plans and supported maritime security preparedness regimes through the engagement of federal, state, local, tribal, and territorial government and private sector stakeholders under the Area Maritime Security Training and Exercise Program (AMSTEP). In 2019, 126 training

events were held, including eight seminars, 17 workshops, 26 table-top exercises, 13 functional exercises, 22 full-scale exercises, 23 area maritime security drills, and 15 maritime security operations during real events receiving exercise credit. Each event generated remedial actions for improving maritime security and identified best practices that were shared with the AMSCs.

## ANNUAL AMSC CONSOLIDATED REPORT

The 43 AMSCs submit an annual report to CG-FAC detailing their activities and common issues relating to challenges, suggestions, accomplishments, and best practices. The report assists CG-FAC and other program offices to formulate national strategies to address mutual problems and emerging threats. Suggested training from the report was incorporated into the agenda for the upcoming 2020 FI/PSS Workshop. The workshop also provides the AMSC Executive Secretaries a forum to review and discuss other program initiatives and updates.

## AMSC CYBERSECURITY

The Coast Guard continues to leverage the public-private AMSCs and their Cyber Subcommittees to emphasize information sharing and cyber risk management best practices. CG-FAC has established National AMSC Cyber Subcommittee quarterly meetings to share best practices and latest policy developments. CG-FAC has included cyber incident response guidance for AMSCs in the development of their Area Maritime Security Plans. The new enclosure of NVIC 09-02, change 5, signed on April, 29, 2019, includes a cyber incident response template modeled after the DHS's National Cyber Incident Response Plan.

## On the Horizon for 2020

CG-FAC is working to address Coast Guard specific tasking within the recent FAA Reauthorization Act, which directs the Coast Guard, in coordination with other stakeholders, to establish a cyber risk assessment model for the marine transportation system. This cyber risk assessment tool will follow the National Institute of Standards and Technology's Cybersecurity Framework, similar to CG-FAC's work on Cybersecurity Framework Profiles (CFP).

CG-FAC-1 (MTSRU) continues to work on initiatives related to MTS Recovery that include:

- Tactics, Techniques, and Procedures for the Security Specialist (Port/Recovery) Program
- Recapitalizing laptop computers for all MTSRUs
- Predictive tool to analyze regional port resiliency due to major disruptions of the MTS

CG-FAC-1 (AMSC) current initiatives as it relates to AMSCs:

- Working with USCG Yorktown Training Center as the Subject Matter Expert in providing materials and input for the section on Area Maritime Security Committees for their new Sector Emergency Management Specialist Course.
- Review policy letter for AMSC Annual Reports to improve process.

CG-FAC-2 (Safety & Security) is working on numerous projects to update existing and create new policies and procedures. Keep an eye on the message board, FAC Notes, and your email for ways you can help shape these policies, and release of information when updates are completed.



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### CG-FAC Links

Website: <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/cgfac/>

Portal: <https://cgportal2.uscg.mil/units/cgfac/Documents/Forms/AllItems.aspx>

Homeport: [Homeport> Mission> Maritime Security](#) or [Ports and Waterways](#)

TWIC (Portal): <https://cgportal2.uscg.mil/communities/twic-discussion/SitePages/Home.aspx>