

Q&A

TWIC, MMC Usher in New Security Regime for Mariners

The Department of Homeland Security (DHS) is just about to implement its long-awaited plan to button up security at seaports around the nation by introducing a security card known as the TWIC to maritime personnel. TWIC, or the Transportation Worker Identification Credential is a biometric card that will be issued to transportation workers allowing them unescorted access to secure areas of vessels and terminal facilities.

TWIC cards would have been the fifth form of documentation that mariners would have been required to carry had the Coast Guard not moved forward with its introduction of the Merchant Mariner Credential (MMC). The MMC will be a consolidation of the license, Merchant Mariner's Document, Certificate of Registry and STCW endorsement. The Coast Guard and TSA are streamlining the process for the two

credentials to reduce costs, duplication of effort, and processing time for mariners.

Six years in the making, the new system will apparently need additional time to iron out the kinks. DHS officials told Congress in April that the implementation of electronic card readers to verify the TWIC cards is behind schedule and that the launch of the program will commence without them. In the meantime, they say, the cards will be checked the old-fashioned way – the photo will be examined, security features on the card will be inspected and the card will be evaluated for signs of tampering. M.E.B.A. has been vocal throughout the development process of the new system. We will continue to make the appropriate parties aware of any suggestions we have that will help the new system to work more fluidly for our mariners.

This new security regime is a result of the "Maritime Transportation Security Act of 2002" and the "Security and Accountability for Every Port Act of 2006," laws that were designed to better protect our nation's ports. M.E.B.A. members and the maritime world understand that the new system comes with the promise of a more secure waterfront but the shuffling up of a practice that stood for so long inevitably raises a few questions. We hope to clear up some of the confusion with the following Q&A conducted with principals at the Coast Guard and Transportation Security Administration, the two agencies charged with implementing the new system. Special thanks go to Angela H. McArdle in the Coast Guard's Media Relations office as well as LCDR Jon Maiorine in the Coast Guard's Cargo & Facilities Division for their aid with this article.

Will all merchant mariners be required to get a TWIC?

Under law, all credentialed U.S. merchant mariners (this includes all persons holding a Coast Guard-issued merchant mariner's license, merchant mariner's document, or certificate of registry (COR)) must obtain a TWIC.

When will our members need to have TWICs? What is the implementation schedule and which ports will require TWICs first?

Mariners must have a TWIC by September 25, 2008; until that time they will be eligible to access MTSA regulated facilities at any port, even if TWIC compliance has begun there, with their MMD, their License and a photo ID, or their Certificate of Registry and a photo ID. The implementation schedule will be posted and communicated to the public as soon as it is finalized.

How will one of our members go about getting a TWIC? Where can they get one and what documents will be required?

During the enrollment process applicants will visit an approved enrollment site operated by a TSA trusted agent, where they will provide proof of identity, biographic information (such as date of birth, address, phone number, physical characteristics, etc.), and be photographed and fingerprinted. The physical location of enrollment sites will be announced prior to enrollment at each port, and the list of documents that may be used will be published by

TSA. The required information that individuals must provide in their TWIC applications can be found in 49 CFR 1572.17. (You can go to <http://ecfr.gpoaccess.gov> and type in the CFR information to locate it.)

Why do U.S. mariners, who are already so thoroughly vetted and credentialed, need a TWIC?

Under law, all credentialed U.S. merchant mariners (this includes all persons holding a Coast Guard-issued merchant mariner's license, merchant mariner's document, or certificate of registry (COR)) must obtain a TWIC. Eventually, all credentialed mariners will hold a TWIC to serve as their identification document and the Merchant Mariner Credential (MMC) to serve as their qualification document. The MMC is proposed to consolidate the license, MMD and COR.

What is the timeline for the MMC?

The Coast Guard would begin issuing the MMC 18 months after the effective date of the TWIC rulemaking and would phase in the replacement of mariner's current credentials over a period of five years. Mariners would be issued their credential in the form of an MMC at the time they renew their current credential, or when applying for a new credential. The proposed rulemaking would not affect the validity of a mariner's current credential.



How much will the MMC cost?

The cost of the MMC would be the same as the cost of the current mariner documentation. The only change would be the removal of additional issuance fees (\$45) as there would no longer be multiple credentials to issue.

We foresee the MMC adding no additional cost to mariners, and in fact, it should reduce the overall cost burden. Merchant mariners would submit information required for the MMC at TWIC enrollment centers when they apply for their TWICs. Mariners would only need to visit one of the Regional Exam Centers to take an examination as the MMC would be mailed after the visit to the TWIC enrollment center.

How much will the TWIC cost?

The fee for TWIC is \$137.25. Workers with current, comparable background checks (HAZMAT, merchant mariner documents (MMD) or Free and Secure Trade (FAST)) may pay a discounted fee of \$105.25, but their TWIC will hold the same expiration date as the credential for which the comparable background check was completed.

For how long are the cards valid and will they be internationally recognized?

TWICs will be valid for 5 years, unless they are issued based upon a comparable background check, in which case the TWIC will hold the same expiration date as the credential for which the comparable background check was completed. TWIC is a domestic program which requires all credentialed mariners and individuals who require unescorted access to secure areas of MTSA regulated facilities and vessels to hold a biometric identification credential after passing a background check.

What are the secure areas that a TWIC card will allow mariners to access?

TWICs will not guarantee access to any facility or vessel; it is still up to the owner/operator to grant unescorted or escorted access. The TWIC is a tool that provides owners/operators with a certain level of assuredness that the holder has passed a security threat assessment and does not pose a risk of committing a transportation security incident on the facility or vessel. Generally speaking, wherever owners and operators conduct access control will be secure areas; there are provisions for certain facilities to redesignate portions of their facility, and there are exceptions for public access areas at facilities and employee and passenger access areas on vessels.

What happens if a member misplaces their TWIC? Will they be prevented from working until the card is found or replaced? Can someone else use their TWIC?

There are provisions in place for workers to report lost/stolen TWICs, and to continue to work for up to 7 days while awaiting a replacement. Reporting a card as lost or stolen will result in its being placed on the "hotlist" which should lessen the likelihood that someone else will use the lost/stolen credential.

When will TWIC readers be placed in the ports?

Facility and vessel owners are not required to purchase, install or utilize card readers at this time. A subsequent proposed rulemaking will address card reader requirements.

If for some reason a maritime worker is denied a TWIC, can he/she appeal that decision?

Applicants who are denied a TWIC will be notified of the reason for denial and instructed on how to apply for an appeal or waiver. All applicants have the opportunity to appeal a criminal disqualification, and may apply to TSA for a waiver if disqualified for certain crimes, due to mental status, or if they are aliens in Temporary Protected Status. Applicants who are aware of a potential disqualifying crime may apply for a waiver when first applying for a TWIC to expedite the waiver process. We also included procedures to allow for an appeal to an Administrative Law Judge in the TWIC rule.

What assurances are there that privacy will be protected with the new TWIC cards?

TSA and the Coast Guard worked with the National Institute for Standards and Technology to align with the latest technology standards for biometrics and smart cards. These federal standards are the gold standard for security and privacy and will allow TSA to save money on goods and services.

Will these cards resolve shore leave access issues mariners have experienced at selected terminals?

This is unknown at this time. Facility owners and operators may still exercise their own discretion regarding who they grant access to, whether unescorted or escorted. In other words, no one holding a TWIC can demand access. However, because TWIC is a tool that provides owners/operators with a certain level of assuredness that the holder has passed a security threat assessment and does not pose a risk of committing a transportation security incident on the facility or vessel, it is hoped that it will be used by owners/operators to facilitate movement through the facility by vessel crew that hold a TWIC.

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