

## **Enhancement of MARSEC Notification Processes**

I. OBJECTIVE: To maximize the reliability and number of recipients of MARSEC level changes notifications by formalizing the process in a single document and expanding the means and communication channels by which the notifications are transmitted.

II. NEED/PURPOSE: Efficient and predictable MARSEC level change notification procedures are necessary to ensure that MTSA regulated entities as well as other maritime stakeholders have timely, sufficient and credible information to implement required security protocols. It also serves as general public awareness. Expanding the audience and means by which such notifications are sent addresses a real or potential gap in existing notification procedures. Those gaps include international and trade group notification.

III. EXISTING NOTIFICATION PROCEDURES:

A. GENERAL: The MARSEC level advises “the maritime community and the public of the level of risk to maritime elements of the national transportation system.” 33 CFR 101.200 (a). The CCG has the authority to set the MARSEC levels. In exigent circumstances a COTP has the authority to raise the MARSEC level in his or her AOR. The CCG also has authority to issue MARSEC Directives.

B. COMMUNICATING ROLES FOR MARSEC LEVEL CHANGE:

1. USCG HQ: CG-2 advises DCO in conjunction with CG-5R and CG-5P on threats that may impact maritime security. If the threat warrants, CCG/VCG/DCO may direct CG-5R and CG-5P to prepare EXORD to be sent from CCG to Area via DCO. The EXORD details action required and circumstances of the MARSEC level change. In addition, CCG would provide strategic level notification internally to DHS and other agencies through via the EXORD. Time permitting, CCG with consult with DHA prior to changing MARSEC levels.
2. COTP: It is the responsibility of the COTP/FMSC to communicate any changes in the MARSEC level to MTSA regulated facilities/vessels and the general public in his or her AOR. This notification may also include industry partners not directly impacted by the MARSEC level change. The notification shall be done in the most expeditious means available. Means of communication may include but not limited to Broadcast Notice to Mariners, VTS, phone, e-mail, facsimile, or press release. The COTP/FMSC shall utilize the AMSC in his or her AOR as a link for communicating threats and changes in MARSEC levels.

3. AMSC: Each AMSC in cooperation with the COTP/FMSC shall develop a AMSP that details methods of communicating security information including MARSEC level changes. Due to the uniqueness of each port area the methods selected may vary and could include Broadcast Notice to Mariners, VTS, phone, e-mail, facsimile, press release, marine exchanges, . The notifications shall be sent to the FSOs and CSO/VSOs in their AOR with required replies. Since MARSEC level changes are not SSI they shall also be disseminated to the public and industry partners by all means practicable.
  4. FACILITY OWNER OPERATOR/FSO: It is the responsibility of the owner/operator or his or her designated FSO to ensure notification of MARSEC level changes are provided to vessels moored or scheduled to arrive at their facility within 96 hours of the change. They are also responsible for communicating attainment of MARSEC level changes with their facilities.
  5. VESSEL OWNER OPERATOR/CSO: There are no outside MARSEC level change notifications responsibilities. They are also responsible for communicating attainment of MARSEC level changes with their vessels.
- C. SUMMARY: USCG HQ has strategic internal notification responsibilities (CG, DHS, other agencies with need to know). The primary method of internal notification is the EXORD, which includes a PLAD of required agencies. The COTP/FMSC with assistance from his or her AMSC is responsible to notify all maritime stakeholders and the general public in his or her AOR. Facilities are responsible for notifying vessels moored at their facilities or expected to arrive with 96 hours.

IV. NOTIFICATION GAP & DISCUSSION: There is no dedicated procedure for providing international notification of MARSEC level changes. International notification may occur indirectly through notification to facilities and vessels with international presence or through general domestic releases. Nor is there any dedicated procedure for notifying maritime industry trade groups that are not represented on AMSCs or directly impacted by MARSEC level change. Again, indirect notification may occur.

V. COURSES OF ACTION (COAs): To achieve the stated objective the following COAs are proposed:

**COA 1: MAINTAIN PRESENT NOTIFICATION REGIME**

PRO: The MTSA is a law intended to address domestic operations. Extending notification procedures to international entities may be beyond the scope of the MTSA intended application. Industry groups are members of the public and are provided general notification. Identifying which industry group beyond those represented at AMSC would receive specific notification would be time consuming.

HOMEPORT in conjunction with general public notification (international/domestic) provides adequate notification as there is no data to indicate otherwise.

CON: The maritime domain is a global commons with threats that impact all stakeholders irrespective of location. Providing notification to international partners is not prohibited under MTSA and further strengthens international relations and secure maritime trade. Industry groups that may have an in-direct stake in maritime trade will stand to benefit from greater awareness of port operations. This point was demonstrated by the complications (no TWIC) encountered by outside trucking companies attempting to assist in the movement of goods after Hurricane Sandy.

RECOMMENDED FOR DOMESTIC NOTIFICATION WITH AMMENDMENT: The Commandant issues an EXORD for strategic level notification of a MARSEC level change. Within the EXORD is a distribution list that may be amended for greater inclusion of Federal partners. Consolidate MARSEC Level change guidance in one document is practicable. CG Public Affairs can provide press releases for greater public visibility. Additionally, coordination with USDOT/MARAD/Office of Security for relative issuance of a MARAD notice detailing MARSEC modification(s). MARAD Advisories rapidly disseminate information on maritime danger, safety, and government policy, and other time sensitive matters pertaining to U.S.-flag vessel operations. MARAD Advisories are issued by the Office of Security to vessel masters, ship operators, and other U.S. maritime interests. Advisories are communicated via telex or other message formats, and published on the Maritime Administration's web site and the National Imaging and Mapping Agency's Weekly Notice to Mariners.

## **COA 2: SEEK INTERNATIONAL NOTIFICATION THROUGH DoS CHANNELS**

PRO: Provides a reliable, consistent, and formal means of communicating MARSEC level changes to the international community. Method may include demarche or use of DipNote.

CON: Would require considerable dialogue with DoS with no statutory authority to compel action (note: PSA-1 has statutory authority). The amount of effort and potential for success may outweigh any derived benefit. If successful notification would be provided to appropriate ministries and may not be disseminated private stakeholders.

NOT RECOMMENDED: The notification of MARSEC level changes to international partners is a voluntary communication that is not required by MTSA or any other law or policy. As such it requires no action on the part of the recipient. It is unlikely that the DoS would be receptive to such an involved process for informative purposes only without compelling data demonstrating a significant need. Also, the level of communication (Embassy to Ministry) may not filter down to the operators efficiently.

## **COA 3: SEEK IMO ASSISTANCE IN PROVIDING INTERNATIONAL NOTIFICATION**

PRO: Provides a reliable, consistent, and formal means of communicating MARSEC level changes to the international community. MTSA is ISPS codified in US domestic law.

CON: IMO may be very reluctant to provide such assistance to any particular Member State.

RECOMMENDED FOR INTERNATIONAL NOTIFICATION: The IMO has approximately 168 Member States encompassing every aspect of the marine transportation system. It also has granted observer or consultative status to virtually all of the major international maritime intergovernmental organizations and NGOs (trade groups). A viable method to provide international notification of MARSEC level changes as well as other pertinent maritime information would be a IMO “blog”, “announcement board “ dedicated to almost real time posting that would be accessible by the public. Such a construct would require an official submission to the appropriate sub-committee and alignment with the relevant Biennium (IMO bi-annual work plan). Engaging the ISPLC community through their PSA/ LANT program managers to provide notice of MARSEC levels changes via their country contacts would enhance international notification.

**COA 4: UTILIZE EXISTING PROTOCOLS TO PROVIDE INDUSTRY NOTIFICATION**

PRO: Mechanism already in place ( ex. USCG/CBP Protocols)

CON: Would require rewrite of protocols. Not inclusive enough.

NOT RECOMMENDED: See above.

APPENDIX: CONTRACTING GOVERNMENTS AND ADMISNTRATIONS  
REPSONSIBILITY TO PROVIDE SECURITY LEVEL OR RELATED NOTIFICATIONS TO  
NGOs OR OTHER GOVERNMENTS UNDER THE ISPS CODE OR SOLAS CHAPTER XI-2

General

1. Under SOLAS Chapter XI-2 (XI-2) and the ISPS Code an “Administration” references the governmental agency responsible for ships and the “Designated Authority” for port facilities. Both sit within the “Contracting Government.” Under several government constructs they are two different agencies.

XI-2

2. Under XI-2 the only specific requirement for a Contracting Government to notify another government of a security level is in Regulation 7. Under Regulation 7 at 3.1 it states:

**3** *Where a risk of attack has been indentified, the Contracting Government concerned shall advise the ships concerned and their Administrations of:*

**.1** *the current security level;*

The prerequisite for notification is not a changed security level change, but rather an identified threat.

3. Under Regulation 6 at 2.6 and 2.7 it states:

**2.6** *When an Administration receives notification of a ship security alert, that Administration shall immediately notify the State (s) in the vicinity of which the ship is presently operating.*

**2.7** *When a Contracting Government receives a notification of a ship security alert from a ship which is not entitled to fly its flag, that Contracting Government shall immediately notify the relevant Administration and, if appropriate, the State (s) in the vicinity of which the ship is presently operating.*

ISPS Code

Preamble

4. Para. 1 of the Preamble to the ISPS Code declares the intent of the ISPS Code is to “form the international framework through which ships and port facilities can co-operate to detect and deter acts which threaten security in the maritime transport sector.”

## Part A

5. There are two paragraphs under section A that address the exchange of information in general terms and one additional paragraph specific to ships as follows:

### **1.2 Objectives**

*The objectives of this Code are:*

- .3 to ensure the early and efficient collection and exchange of security related information*

### **1.3 Functional requirements**

*In order to achieve its objectives, this Code embodies a number of functional requirements. These include, but are not limited to:*

- .1 gathering and assessing information with respect to security threats and exchanging such information with appropriate Contracting Governments.*

## **7 Ship Security**

**7.8** *An Administration requiring ships entitled to fly its flag to set security level 2 or 3 in a port of another Contracting Government shall inform that Contracting Government without delay.*