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ALCOAST 575/09  
COMDTNOTE 16611

SUBJ: SEAFARERS SHORE ACCESS ON MARITIME TRANSPORTATION SECURITY ACT (MTSA) FACILITIES

- A. 33 CFR 105.200
- B. INTERNATIONAL MARITIME ORGANIZATION (IMO) CONFERENCE RESOLUTION 11, DECEMBER 2002
- C. INTERNATIONAL MARITIME ORGANIZATION MARITIME SAFETY COMMITTEE (MSC) CIRCULAR 1112, JUNE 2004
- D. NAVIGATION AND VESSEL INSPECTION CIRCULAR 03-03, CHANGE 2
- E. COMDT COGARD WASHINGTON DC 222037Z OCT 08/ALCOAST 529/08

1. SINCE THE ISSUANCE OF REF. E, COTPS HAVE BEEN WORKING CLOSELY WITH LOCAL STAKEHOLDERS ON SEAFARER ACCESS ISSUES AND I APPLAUD ALL OF YOUR EFFORTS TO DATE. UNFORTUNATELY, DESPITE YOUR BEST EFFORTS THERE ARE STILL CASES WHERE SEAFARER ACCESS THROUGH A FACILITY IS OUTHRIGHT DENIED, FOR SHORE LEAVE, CREW CHANGE, ETC. ADDITIONALLY, DUE TO REQUIREMENTS PUT IN PLACE BY FACILITY OR VESSEL OWNERS OR OPERATORS, SEAFARERS ARE PREVENTED FROM LEAVING THEIR SHIPS DUE TO FINANCIAL REQUIREMENTS ASSOCIATED WITH AUTHORIZED ESCORTS. A RECENT STUDY CONDUCTED BY THE SEAMANS CHURCH INSTITUTE WITHIN A SAMPLE OF PORTS AROUND THE COUNTRY, WHICH CAN BE FOUND AT [HTTP://HOMEPORT.USCG.MIL](http://homeport.uscg.mil) UNDER THE SEAFARER ACCESS TAB, FURTHER HIGHLIGHTS SOME OF THE CHALLENGES THAT MARINERS ARE FACING. THAT SAID, COAST GUARD HEADQUARTERS CONTINUES TO MOVE FORWARD ON SEVERAL FRONTS IN AN EFFORT TO FURTHER FACILITATE SEAFARER ACCESS NATIONWIDE AND MOVE THE MARITIME COMMUNITY BEYOND THE CURRENT STATE. OF PARTICULAR NOTE, THE OFFICE OF MARITIME AND INTERNATIONAL LAW (CG-0941) RECENTLY COMPLETED A LEGAL REVIEW ON THE ISSUE OF SEAFARER ACCESS AND DETERMINED THAT THE COAST GUARD IN MEETING ITS INTERNATIONAL AND STATUTORY OBLIGATION HAS THE AUTHORITY TO MANDATE MTSA REGULATED FACILITIES PROVIDE REASONABLE ACCESS TO SEAFARERS. THIS MAY BE THE SUBJECT OF A FUTURE REGULATORY CHANGE.

2. THERE ARE STEPS THAT COTPS SHOULD CONSIDER IMMEDIATELY TO FACILITATE SEAFARER ACCESS BEYOND WHAT IS CURRENTLY BEING DONE AND PREVIOUSLY RECOMMENDED IN REFERENCE E. SPECIFICALLY, WITH THE FIVE-YEAR REVIEW PROCESS FOR FACILITY SECURITY PLANS (FSP) UNDERWAY, THERE IS AN OPPORTUNITY WITH THE APPROVAL PROCESS TO ENSURE THE REQUIREMENT OUTLINED IN REGULATION FOR COORDINATION OF SEAFARER ACCESS IS CLEARLY DEFINED WITHIN THE FSP. COTPS SHOULD CONFIRM THAT EVERY FSP SUBMITTED FOR REVIEW SPECIFICALLY DESCRIBES HOW COORDINATION OF CREW CHANGE OUTS, SHORE LEAVE AND VISITS TO THE VESSELS BY UNION AND WELFARE ORGANIZATION REPRESENTATIVES WILL BE ACCOMPLISHED BY THE FACILITY IN ACCORDANCE WITH 33 CFR 105.200(B) (9). AN FSP THAT DOES NOT POSITIVELY ADDRESS THIS REQUIREMENT SHOULD BE RETURNED TO THE SUBMITTER FOR FURTHER DEVELOPMENT BEFORE APPROVAL CAN BE GRANTED. COTPS HAVE DISCRETION TO PROVIDE LETTERS OF AUTHORIZATION TO CONTINUE OPERATIONS TO FACILITIES THAT MUST REVISE THIS SECTION OF THEIR FSP IF THE COTP DETERMINES THAT THE REMAINDER OF THE FSP IS ADEQUATE TO MAINTAIN THE SECURITY OF THE FACILITY AND VESSELS CALLING AT IT. AN FSP THAT INDICATES THAT ALL MARINER ACCESS WILL BE DENIED, SHOULD NOT BE APPROVED.

3. FOR FACILITIES THAT HAVE ALREADY COMPLETED THEIR FIVE-YEAR REVIEW, THEIR PLANS SHOULD BE EXAMINED FOR AN ADEQUATE MARINER ACCESS PROVISION PRIOR TO THEIR NEXT FACILITY SECURITY ANNUAL INSPECTION OR SPOT CHECK. FACILITIES THAT DO NOT HAVE A PROVISION WITHIN THEIR PLAN SHOULD BE ISSUED A REQUIREMENT TO SUBMIT AN AMENDMENT TO THEIR PLAN TO ADDRESS THIS ISSUE.

4. COTPS SHOULD EMPHASIZE COMPLIANCE WITH MARINER ACCESS PROVISIONS WITHIN FSP DURING SPOT CHECKS AND ANNUAL INSPECTIONS OF FACILITIES. ADDITIONALLY, AS PART OF THE ONGOING COAST GUARD ENGAGEMENT WITH STAKEHOLDERS ON THE ISSUE OF SEAFARER ACCESS, COTPS ARE REQUESTED TO NOTIFY COAST GUARD HEADQUARTERS VIA THE CHAIN OF COMMAND OF SPECIFIC FACILITIES IN THEIR AOR THAT CONTINUE TO DENY ACCESS TO SEAFARERS, CHARGE EXHORBITANT FEES TO PROVIDE ACCESS, GREATLY LIMIT THE HOURS FOR ACCESS, OR INSTITUTE OTHER OVERLY RESTRICTIVE POLICIES THAT DISCOURAGE OR REFUSE ACCESS. THIS WILL PROVIDE VALUABLE INFORMATION THAT WILL VALIDATE OR CORRECT ANECDOTAL INFORMATION SUPPLIED BY THE STAKEHOLDER COMMUNITY AND WILL PROVIDE AN OPPORTUNITY FOR SENIOR LEVEL ENGAGEMENT WITH SPECIFIC COMPANIES THAT MAY BE PERCEIVED AS HAVING MORE RESTRICTIVE SEAFARER ACCESS POLICIES. IT ALSO WILL PROVIDE A MORE ACCURATE SITUATIONAL AWARENESS AS CHANGES IN POLICY OR REGULATION ARE CONSIDERED.

5. TO HELP FACILITATE AND COMMUNICATE THE LATEST SEAFARER ACCESS POLICIES, ISSUES, AND BEST PRACTICES, THE COAST GUARD OFFICE OF PORT AND FACILITY ACTIVITIES (CG-544) HAS ESTABLISHED A SEAFARER ACCESS COMMUNITY IN HOMEPORT AND INITATED ENGAGEMENT WITH THE MARITIME COMMUNITY THROUGH SOCIAL MEDIA OUTLETS INCLUDING THE BLOG SITE GCAPTAIN.

6. AS A MARITIME SERVICE, IT IS IMPERATIVE THAT WE CONTINUE TO COLLABORATIVELY WORK THROUGH THE CHALLENGES OF SEAFARER ACCESS AND DEVELOP A LONG TERM SOLUTION THAT MEETS THE SPIRIT OF THE INTERNATIONAL SHIP AND PORT FACILITY CODE (ISPS) AND MARITIME TRANSPORTATION SECURITY ACT (MTSA). I APPRECIATE EVERYONES COMMITMENT TO THIS HIGH PRIORITY ISSUE AND WORKING WITH YOUR KEY MARITIME STAKEHOLDERS IN DEVELOPING THE RIGHT SOLUTIONS.

7. POC IS LCDR DAN SOMMA, 202-372-1132. EMAIL ADDRESS IS DAN T. SOMMA AT USCG.MIL.

8. RDML KEVIN S. COOK, DIRECTOR OF PREVENTION POLICY, SENDS.

9. INTERNET RELEASE AUTHORIZED.