Establishment of the new U.S. Department of Homeland Security has been subject to intense political debate. However, once the new Department is established, enactment of the Maritime Transportation Security Act will not be far behind. Shortly after passage of this law the implementing regulations will be published in a Notice of Proposed Rule Making (NPRM) which will be subject to public comment. Due to the sensitive and immediate nature of security issues, rapid implementation of these rules is anticipated.

Some owners and operators may already have been contacted by companies who insist that a security plan (which will be required by the new Act) is, in fact, required now. However, until the rulemaking process referred to above is complete, it would be uneconomical to create a plan which may not, at the end of the day, comply with the final rule.

The Coast Guard and the IMO have met several times to discuss how best to integrate their respective concerns so that the final IMO resolution on maritime security is compatible with the pending U.S. legislation. This will ideally result in one uniform requirement for a vessel security plan which meets both the IMO resolution and the Coast Guard requirements. That plan may be subject to Coast Guard approval (as is the case with current OPA 90 requirements for Vessel Response Plans). Or that plan may become part of the ISM program requirements and thus approved by the Flag State or an independent classification society, and then verified during Port State Control inspections. The worst case, which both parties are working diligently to avoid, would be two separate requirements with which vessels must comply.

With the next meeting of the IMO's Maritime Security Committee scheduled for December 2002, it seems likely that the U.S. will delay issuing the NPRM until remaining conflicts between the two organizations can be resolved. That puts the NPRM release shortly after the first of the year.

Steps Which Can Be Taken Now

In all of the draft proposals, there are many common security plan elements which are likely to become part of the final resolution. Based upon that, vessel owners can consider taking the following action to better position themselves for compliance when the new law is finally implemented:

- Designating a company security officer
- Designating a security officer on each vessel
- Establishing a company policy and guidelines for controlling access to vessels
- Determining who is allowed on board
- Determining what personal identification is acceptable
- Determining what areas of the ship are restricted
- Determining what areas require an escort

This article is based on guidance circulated by ECM Maritime Services in September 2002.