

# The Role of the Marine Safety and Security Council



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*Executive Secretary, U.S. Coast Guard Marine Safety and Security Council*

The Marine Safety and Security Council (MSSC) has an important oversight role in the Coast Guard's regulatory development program. As the Commandant's advisory body for all Coast Guard regulatory initiatives, the council approves all new rulemaking projects, amendments to active rulemaking projects, and suspension or termination of inactive rulemaking projects. The MSSC also provides policy and procedural guidance to program managers and rulemaking teams responsible for developing Coast Guard rulemaking projects.

## History

The council traces its roots to the Merchant Marine Council, which was created in 1943 to advise and assist the Commandant on matters relating to navigation and maritime safety. The formation of the Merchant Marine Council coincided with the transfer of the safety and navigation functions of the Bureau of Marine Inspection and Navigation to the Coast Guard, marking the first time in U.S. history that all functions of maritime safety came under one agency.

In 1971, the council changed its name to the Marine Safety Council following a Coast Guard reorganization. In 2003, after the Coast Guard's move to the new Department of Homeland Security (DHS), the Marine Safety Council became known as the Marine Safety and Security Council.<sup>1</sup>

## Members

There are four voting members and some non-voting members who advise the voting members. The four voting MSSC members are:

- the Judge Advocate General, who also serves as the chairman;
- the Assistant Commandant for Marine Safety, Security and Stewardship;
- the Director of Commercial Regulations and Standards;
- the Director of Prevention Policy.

Non-voting members include:

- the Assistant Commandant for Resources,
- the Director of Governmental and Public Affairs,
- the Director of the National Pollution Funds Center,
- ad hoc members.

The MSSC may invite other assistant commandants or flag-level or senior executive service officials to serve as ad hoc members to advise the MSSC on rulemaking projects affecting or originating within their respective areas of responsibility. To ensure vertical alignment and to promote the harmonization of departmental priorities, the MSSC invites DHS representatives to participate at its meetings.

## Council Support

Other individuals assisting the council include the executive secretary (ExecSec), the legal advisor, and the chief of the Office of Standards Evaluation and Development.

The executive secretary is a staff member of the Coast Guard Office of Regulations and Administrative Law, designated by the Judge Advocate General of the Coast Guard to be the administrative coordinator of the MSSC. The ExecSec facilitates the flow of information to and from the MSSC and Coast Guard regulatory development program personnel, including the transmission of regulatory documents, work plans, and reports. The ExecSec also serves as a liaison between the *Proceedings* magazine staff and the council members and participants.

The chief of the Office of Regulations and Administrative Law serves as the legal advisor to the MSSC. Among other things, the legal advisor coordinates with the Office of Management and Budget (OMB) and the Department of Homeland Security's Office of General Counsel to ensure all Coast Guard rulemaking projects are reviewed by appropriate government personnel. The

## KEY DEFINITIONS :

**Rulemaking or Regulatory Action.** A rulemaking or regulatory action is “any substantive action by an agency (normally published in the *Federal Register*) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.”<sup>1</sup>

**Significant Rulemaking Project.** A significant rulemaking project is any rulemaking that is defined as a “significant regulatory action” by OMB in accordance with the criteria in E.O. 12866. Significant rulemaking projects are reviewed by OMB. Under Coast Guard policy, all significant rulemaking projects require approval by the MSSC and the Commandant.

**Work Plan.** A work plan is an internal planning document that defines the rulemaking project and ensures the proper resources will be available to the rulemaking team.

**Endnote:**

<sup>1</sup> E.O. 12866 Sec. 3(e).

ExecSec monitors DHS and OMB review and reports progress to the MSSC members.

The chief of the Office of Standards Evaluation and Development monitors the Coast Guard’s progress on all rulemaking projects and reports any delays or resourcing issues encountered by a rulemaking project team. This encompasses related facets of a project such as analysis under the National Environmental Policy Act, collection of information under the Paperwork Reduction Act, privacy

impact assessments, and incorporation by reference.

### Duties

The MSSC members have responsibilities as the Commandant’s advisory body and as individual members. Collectively the MSSC reports to the Commandant on the status of all Coast Guard headquarters regulatory projects and approves or recommends Commandant approval of new projects.

The MSSC develops and promulgates strategic priorities for the Coast Guard’s rulemaking program while also monitoring the progress of rulemaking projects and recommending appropriate courses of action to ensure projects get completed. The MSSC members review and clear all rulemaking documents categorized as significant as well as all work plans and work plan changes. The council also makes decisions regarding *Proceedings* magazine.

The MSSC must convene at least annually to discuss past year regulatory performance issues, discuss current year regulatory performance issues and associated resource needs, vote on rulemaking project prioritization, establish strategic priorities, and determine a recommended course of action based on their discussions and voting. Typically, the MSSC holds quarterly meetings to monitor progress on major rulemakings and

other strategic priorities. The MSSC may also hold additional meetings to address issues identified by a voting member.

MSSC meetings are not open to the public. However, the public is made aware of current Coast Guard rulemaking projects listed in the Unified Regulatory Agenda, a document published in the *Federal Register* twice a year (usually in April and October) by the Office of the Federal Register, which summarizes the rules and proposed rules that each federal agency expects to issue during the next year. The Unified Regulatory Agenda is available online at <http://www.reginfo.gov>.

### Public Participation

Public participation is facilitated primarily by describing proposed rulemakings in the Unified Regulatory Agenda and publishing proposals and other notices in the *Federal Register*. Upon publication of the proposed rulemakings, interested members of the public have the opportunity to participate in the process by submitting written comments to the public docket and providing oral and written comments at a public meeting, if one is requested and held.

Also, any member of the public may petition an agency for a rulemaking. The Coast Guard regulation governing petitions is 33 CFR 1.05-20, which advises the public to send petitions and supporting information to the MSSC ExecSec. Upon receiving a petition, the ExecSec coordinates to have an electronic docket opened and forwards the petition to the relevant program office for a response. The petition and the Coast Guard’s response to the petition are placed in the public docket.

Due to the importance the Commandant has placed on the Coast Guard regulatory development program, the MSSC directed that this edition of *Proceedings* be devoted to rulemaking topics to explain the various aspects of the process leading to new or revised regulations that ultimately will enhance marine safety, maritime security, and environmental stewardship.

### About the author:

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**Endnote:**

<sup>1</sup> “Marine Safety Council Adds Security to Name,” *Proceedings*, Spring 2004.