



BRAVO ZULU!

MSU Savannah expertly documented a TWIC confiscation. While conducting a facility patrol at VOPAK in Savannah, Georgia, MSU personnel confiscated a TWIC from one of the facility employees due to 50% of the picture missing and lack of lamination. See MISLE Activity #4650302 as an example of excellent casework!

SPECIAL ANNOUNCEMENT

CG-FAC encourages all (Facility) Inspectors to use any Maritime Enforcement (ME) Petty Officers or Port Security Specialists (PSS) available to assist with any Area Maritime Security Assessments, facility inspections, and related critical infrastructure protection activities IAW ALCOAST 284/13. For additional information please contact LCDR Dwayne Meekins.

Have an article you'd like to submit for our next newsletter? Please submit it to wow@uscg.mil.

Waves on the Waterfront

CG-FAC, Office of Port and Facility Compliance
Safety, Security, and Stewardship
for the Nation's Ports and Facilities

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A few days ago I had the pleasure of speaking to the Facility Inspector's course in Yorktown. While any excuse is good for getting out of Headquarters, I truly enjoy meeting the next wave of facility inspectors, hearing their questions, and getting suggestions from them and the Yorktown staff. I am always impressed with the students' enthusiasm and dedication.

Ports and facilities are a vital component of our nation's critical infrastructure. Facility operators must guard against significant safety and security risks while conducting business in an extremely competitive economic environment.

Two Executive Orders from the President of the United States reflect the growing recognition of facility safety and security to our nation—and create additional responsibilities for the Coast Guard.

Early this year, the President released the cyber security Executive Order. ALCOAST 320/13 provides guidance on how Coast Guard field units can work with industry to improve cyber security.

More recently, the President issued an Executive Order on chemical facility safety and security, see page 5 for details. As we here in DC work with our counterparts, field units can contribute by sharing your best practices, knowledge, and experiences with other organizations. Read the CFATS article in this newsletter to learn more about this important DHS program, and I

encourage facility inspectors and Port Security Specialists to reach out to your local CFATS inspectors and discuss opportunities for cooperation.

My job here at Coast Guard Headquarters requires a seemingly endless series of meetings with other agencies, Congressional representatives and staffers, and with industry associations. Other than the donuts, these meetings leave a lot to be desired. The exception is that because of **your hard work and professionalism**, the Coast Guard enjoys the respect of all of these organizations, many of whom go out of their way to praise your work and ask for advice on improving their own compliance, outreach, risk analysis, and infrastructure protection programs.

Hearing that praise, and having the opportunity to serve our nation, is a great part of my job.

Keep up the great work, and contact CG-FAC if you have questions, suggestions, or best practices you'd like to share.

CAPT Andrew Tucci

Loss of a True Friend of the Coast Guard and Great Leader in the Maritime Community Captain Elizabeth Gedney



It is with great sadness that we note the passing of a true maritime industry champion. On June 20, 2013, Captain Elizabeth "Beth" Gedney of the Passenger Vessel Association (PVA) lost her courageous battle with cancer.

Beth was the Director of Safety, Security and Risk Management for PVA. Anyone who has ever worked with Beth will understand what a loss this is to the maritime community and to the Passenger Vessel Association. She was a key PVA staff member and an invaluable addition to Coast Guard policy teams; always very ably assisting the Coast Guard while working through maritime safety and security issues across the country and across industry boundaries.

Beth was one of the first four female graduates from the California Maritime Academy in 1979. Her father was a seagoing mariner so it was not a surprise when, after graduation, she went to sea. Even though she was working in a male dominated industry she quickly gained the respect of her fellow mariners.

When Beth decided to raise a family, she came ashore and began her career in the passenger vessel industry. She held various marine operations positions for nearly 20 years eventually becoming a member of the PVA Board of Directors. In 2004, Beth assumed the position of Director of Safety, Security and Risk Management with PVA.

John Groundwater, Executive Director of PVA stated, "As she battled ongoing health issues, Beth's commitment and dedication to PVA never wavered. Beth's strong work ethic and enthusiasm were infectious. She motivated all who worked with her, and, as a result, her presence will be profoundly missed."

Beth is survived by her husband, Bert, twin daughters, three grandchildren and many other family members and friends. She will be dearly missed. Our thoughts and prayers are with Beth's husband and family.

The Future of Homeport By Ryan Owens, COMDT (CG-FAC-1)

The Home Internet Portal System (Homeport) is a publicly accessible Internet portal providing all users with current maritime security information. It also serves as the Coast Guard's official communication service designed to support the sharing, collection and dissemination of sensitive but unclassified information to targeted groups of registered users within the port community.

Homeport meets critical MTSA related requirements for sharing security information with the public, USCG partners and maritime stakeholders. The portal facilitates these requirements by providing secure information dissemination, advanced collaboration, electronic submission and approval for vessel and facility security plans and complex electronic and telecommunication notification capabilities.

Currently, Homeport is built on a software architecture that is over 10 years old. Obviously, the maintenance and operation of the system has become more difficult to maintain and Homeport would benefit from a new underlying architecture. This effort, called a "Technical Refresh" would move the current capabilities of Homeport over to a more sophisticated and easier to maintain software backbone and database. This effort will most likely take the better part of a year until we are able to have a fully functional solution. The first step is to review and validate Homeport's functional requirements and evaluate commercial off the shelf technologies that can support our needs. CG-FAC, along with the other stakeholder offices will be working with the Homeport Asset Manager to accomplish this work in the next 60 days.

We will keep you fully informed of the development of both initiatives and ensure your concerns are addressed as we move forward. We ask that you do the same with the members of the maritime industry in your respective areas of operations. If you have any questions or concerns, please do not hesitate to contact Mr. Ryan Owens at ryan.f.owens@uscg.mil.

Seafarers' Shore Leave in the USA

By Mr. Douglas Stevenson, The Seamen's Church Institute



For as long as seafarers have gone to sea, shore leave has been a cherished right - but not an absolute right. Like most individual rights, shore leave must be balanced against other interests. Seafarers understand, for example, that their vessel's operational schedule or safety requirements can sometimes take priority over their right to shore leave. Thoughtful ship operators know that they should not deny shore leave except for very compelling reasons. The United States Supreme Court summed up seafarers' right to shore leave in its 1943 *Aguilar v Standard Oil Company* decision:

The assumption is hardly sound that the normal uses and purposes of shore leave are "exclusively personal" and have no relation to the vessel's business. Men cannot live for long cooped up aboard ship without substantial impairment of their efficiency, if not also serious danger to discipline. Relaxation beyond the confines of the ship is necessary if the work is to go on, more so that it may move smoothly. No master would take a crew to sea if he could not grant shore leave, and no crew would be taken if it could never obtain it. Even more for the seaman than for the landsman,

therefore, "the superfluous is the necessary . . . to make life livable" and to get work done. In short, shore leave is an elemental necessity in the sailing of ships, a part of the business as old as the art, not merely a personal diversion.

The Supreme Court and ship operators understand the importance of seafarers' right to shore leave, but American law apparently does not. For many years, the Seamen's Church Institute of NY & NJ (SCI) has been very concerned about the United States' requirement for foreign seafarers to have a D-1 crewmember visa for shore leave. Not only does this requirement create obstacles for foreign seafarers to go ashore while in United States ports, but it also conflicts with United States' obligations under the Convention on Facilitation of International Maritime Traffic (which the United States has ratified along with 91 other nations) that prohibits Member countries from requiring crewmembers to hold a visa for the purpose of shore leave. (Standard 3.19.1)

SCI's efforts to eliminate the crewmember visa requirement for foreign seafarers were put on hold by the September 11, 2001 attacks on the United States. Immediately after the attacks, shore leave became severely restricted as the U.S. Coast Guard and other security authorities assessed waterborne terrorism threats. In January and February, 2003 the Coast Guard held hearings in seven United States' ports to obtain public comments on regulations to implement the Maritime Transportation Security Act of 2002 (MTSA) and the International Ship and Port Facility Security Code (ISPS). In the course of the hearings, the Coast Guard asked SCI to provide data on the extent of and reasons for shore leave denials. SCI immediately conducted its first survey of shore leave restrictions, collected from 15 United States ports. The results of this survey showed that seafarers were denied shore leave for two main reasons; seafarers not having a valid visa and restrictions imposed by private terminals. The terminal restrictions affected both foreign and American seafarers. The survey dispelled the impressions that seafarers were denied shore leave because of their nationality, religion, or vessel flag.

Subsequent surveys have corroborated this data, but with terminal restrictions all but disappearing in the 2013 shore leave survey. (Available at <http://www.seamenschurch.org/sites/default/files/sci-shore-leave-survey-2013-web.pdf>)

In October 2009, the U.S. Coast Guard issued ALCOAST 575/09 directing all Captains of the Port (COTP) that in reviewing facility security plan renewals, to ensure that the plans specifically describe how seafarer shore leave will be coordinated. It further directed COTPs to disapprove facility security plans that prohibited seafarer access. This directive, along with the pro-active efforts by COTPs that preceded it, has greatly reduced the incidence of seafarers being denied shore leave by restrictive private terminal policies.

According to the 2013 SCI shore leave survey report, the vast majority (91.3%) of shore leave restrictions were caused by seafarers not having a valid visa. A possible solution to this problem is for the United States to ratify Seafarers' Identity Documents Convention (Revised), 2003 (ILO-185). This Convention, which was initiated by the United States, enhances maritime security by setting international standards for reliable, positively verifiable and internationally acceptable biometric seafarer identity documents (SIDs). The Convention also provides for Member countries to accept SIDs in place of visas for shore leave. Internationally recognized seafarers' identification documents offer the best possible compromise between legitimate port security requirements and the need for crews to attend to their physical, emotional, and spiritual needs on shore leave. The combination of valid SIDs and existing security measures would provide a sufficiently high level of security. Crewmembers not in possession of an acceptable SID would have to obtain a visa to apply for shore leave in the United States.

The Chemical Facility Anti-Terrorism Standards

By Ann Hunziker, CFATS Infrastructure Security Compliance Division



Dave Wulf, Allison Snell, CAPT Tucci, and Assistant Secretary Caitlin Durkovich

Chemicals are a vital component of modern life – from semiconductor fabrication to food processing – but the same chemicals that strengthen American industry, fertilize crops, fuel our vehicles, and assist in medical advances are also potentially attractive targets for those wishing to cause harm to the United States. Some chemical facilities possess materials that could be stolen or diverted and used as or converted into weapons, and a successful attack on certain high-risk facilities could potentially cause a significant number of deaths and injuries through the release of toxic substances or explosion.

In October 2006, Congress authorized the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines are high-risk. In order to do so, DHS created the Chemical Facility Anti-Terrorism Standards (CFATS), which apply to any facility that manufactures, uses, stores, or distributes certain chemicals

listed on the CFATS “Appendix A” at or above a specified quantity. CFATS is administered by the Infrastructure Security Compliance Division (ISCD), part of the National Protection and Programs Directorate (NPPD) Office of Infrastructure Protection.

CFATS—A Non-Prescriptive Regulation

Since each chemical facility faces different security challenges, Congress explicitly directed the Department to issue regulations “establishing risk-based performance standards for security chemical facilities.” Facilities that fall under the CFATS regulation are required to develop Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet these performance standards (RBPS).

It is important to note that these plans are not “one size fits all” but in-depth, highly customized, and dependent on each facility’s unique circumstances. Performance standards are particularly appropriate in a security context as they provide individual facilities the flexibility to address their unique security challenges. Using performance standards rather than prescriptive standards also helps to increase the overall security of the sector by varying the security practices used by different chemical facilities. Security measures that differ from facility to facility mean that each presents a new and unique problem for an adversary to solve.

Tier	Final Tiered Facilities	Facilities Awaiting Final Tier
1	111	11
2	366	49
3	1044	159
4	1867	682
Total	3388	901

Statistics as of August 5, 2013

What makes up the CFATS universe?

To determine if a facility is subject to CFATS, ISCD starts by looking at the quantities of chemicals of interest (COI) the facility possesses, which must be reported to the Department via a “Top-Screen” survey. Potential regulation is not based on the facility type, which means there is a wide range of facility types covered under CFATS, not just the typical manufacturers and warehouse that first come to mind. Facilities in the CFATS program range from colleges, universities, and hospitals, to paint manufacturers, chemical repackaging operations, and oil and gas operations.

Congress did exempt several types of facilities from regulation, including facilities regulated under the Maritime Transportation Security Act (MTSA). If a facility site includes both a facility regulated pursuant to MTSA and a facility not regulated pursuant to MTSA, the facility is only required to complete the section of the screening process not subject to MTSA. Other exemptions include facilities regulated by the Nuclear Regulatory Commission (NRC), facilities owned or operated by the Departments of Defense or Energy, and public water systems and water treatment works regulated under certain federal water quality laws. *(continued next page)*

Continued from previous page

CFATS and the Coast Guard

The CFATS program is currently working cooperatively with the U.S. Coast Guard to improve information sharing between the CFATS and MTSA programs. A CFATS-MTSA Harmonization Working Group has been chartered, composed of headquarters representatives from NPPD and the U.S. Coast Guard. The objectives of the working group are to analyze the security requirements under both programs, enhance a comprehensive National Risk Picture, assist information sharing between the agencies, and develop joint guidelines and directives where appropriate.

In addition, the Coast Guard has provided a full-time detailee to the CFATS program to assist with a variety of tasks, including sharing lessons learned from MTSA implementation, increasing field-level coordination, and to provide a clear channel of communication between the two programs.

CFATS Is Helping to Reduce Potential Security Risks

CFATS is having a real impact in reducing potential risks associated with chemical facilities across the Nation. In addition to the many facilities that have enhanced their security posture since the program's inception, more than 3,000 facilities have eliminated, reduced, or otherwise made modifications to their holdings of potentially dangerous chemicals and are now no longer considered high-risk. The chemical industry also believes that CFATS is having a positive impact. In August 2011, the American Chemistry Council (ACC) conducted a survey of CFATS-regulated facility owners covering approximately 800 facilities and received over 130 responses. Among other things, the ACC survey found that the majority of respondents believe that companies have made substantial investments in security upgrades as a result of CFATS, and companies plan to make additional investments following DHS approval of their SSPs.

For additional information on the CFATS program, please visit www.dhs.gov/chemicalsecurity, or email CFATS@dhs.gov. To report a possible security concern involving compliance with the CFATS regulation, call the Tip Line at 877-394-4347 (877-FYI 4 DHS).

The President Signs a New Executive Order on Chemical Security

In the wake of several recent tragedies at chemical related facilities, President Obama signed an Executive Order ([Executive Order No. 13,650](#)) on August 1st with the goal of improving information sharing among Federal departments and agencies and furthering coordination efforts with State, Local, and Tribal entities involved in chemical regulation and response. In addition, the Executive Order directs Federal agencies to look for opportunities to modernize policies, regulations and standards and to seek out stakeholder input to identify best practices.

The Executive Order calls for the formation of a Working Group, which will include the Environmental Protection Agency (EPA), Department of Homeland Security (DHS), Department of Labor (DOL), the Department of Justice (DOJ), Department of Agriculture (DOA), and the Department of Transportation (DOT) to find innovative ways to work together on the identification of high risk facilities, inspections, enforcement and post-incident investigation. With time periods ranging from 45 days to 270 days, the Working Group is tasked to complete a series of activities from establishing a pilot program to validate best practices to the creation of comprehensive and integrated standard operating procedures for a unified Federal approach for identifying and responding to risks at chemical facilities.

Much of what is called for in the Executive Order is not new for U.S. Coast Guard units and stakeholders around the country. The maritime sector leads the nation as a model for effective information sharing with State and local governments, Tribal entities and the maritime community through the activities of local Area Maritime Security Committees and the development of comprehensive Area Maritime Security Plans. This includes coordination of efforts to mitigate the risks associated with handling chemicals in the maritime domain. The Coast Guard looks forward to sharing our many years of experience in this area with the other departments, agencies, and stakeholder groups impacted by this latest Executive Order.

Spotlighting Alternative Security Program (ASP) Sponsoring Organizations

By Betty McMenemy



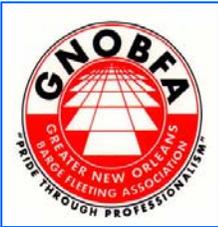
Electric Sector Alternative Security Program (ESASP)

The ESASP is one of the newest members of the ASP family having received an approval letter for their original submission in August of 2008. The initial submission was under the name of American Electric Power (AEP). With the addition of new members, though, the name was changed to the Electric Sector ASP (ESASP).

The ESASP covers power generating facilities located on the waterfront. These facilities receive coal, petroleum products and chemicals such as un-slaked lime via 33 CFR 104 compliant barges and vessels. Some chemical by-products are also shipped out.

The facilities participating in this membership are located in the Ohio Valley and the eastern shore, along navigable rivers.

Located in Lee's Summit, Missouri



Greater New Orleans Barge Fleeting Association (GNOBFA)

The Greater New Orleans Barge Fleeting Association is a non-profit association of companies engaged in the operation of barge fleets and towboats in the New Orleans -- Baton Rouge corridor. The purpose of the Association is to promote a closer professional relationship between members, to disseminate information pertaining to fleeting and the river industry, to support member companies that share the interests of the organization as a whole, and to improve relations with communities, regulating government bodies, and other professional organizations.

SOME STATS THAT SHOW HOW BARGES FIT INTO THE TRANSPORTATION PICTURE:

One barge of grain = 60 trucks or 15 rail cars.

One 30 barge tow of grain = 1800 trucks or 450 rail cars.

Ten 30 barge tows a week = 18,000 trucks or 4,500 rail cars.

52 weeks of tows = 936,000 trucks or 234,000 rail cars.

936,000 trucks = 7,090 miles of bumper to bumper trucks.

Imagine getting stuck in that traffic jam!

Located in Destrehan, Louisiana



Lake Carriers Association (LCA)

The Lake Carriers Association represents U.S.-flag vessel operators on the Great Lakes. The Association's member companies operate (ASP-covered) self-propelled vessels called "Lakers" as well as integrated tug/barge units. Cargo movement by LCA fleets and other U.S.-flag Great Lakes operators has topped more than 125 million tons in a year. Iron ore, limestone and coal are the primary commodities carried by LCA members. Other cargos include cement, salt, sand, and grain. The vast majority of cargos carried by U.S.-flag Lakers move between U.S. ports in what is commonly referred to as the Jones Act trades.

Located in Rocky River, Ohio

Marine Environmental Protection Industry Training Program (MEPIT): Fact Sheet

By LT Sara Booth, COMDT (CG-MER-3)



LT Sevin's MEPIT training with Virginia Port Authority

Background

The Industry Training Program was established in 1948 to provide Coast Guard members with the opportunity to observe and interact with the marine industry. Members participating in Industry Training gain increased credibility with the maritime community, exposure to private sector problem solving and decision-making processes, and awareness the industry's business constraints. Graduates of the program consistently bring the Coast Guard valuable relationships within the maritime industry and help the Coast Guard better understand its regulatory oversight responsibilities and the impact of regulatory activities on the maritime industry.

Marine Environmental Protection Industry Training Program (MEPIT) is one of four Industry Training Programs. Other Industry Training Programs include Investigations (ITT); Port Safety/Security (PSIT); and Merchant Marine (MMIT) Industry Training.

Industry training is executed in conjunction with a Permanent Change of Station transfer and is considered "Duty Under Instruction." Each year, the MEPIT Program is allocated a 1 year training tab and two 4-6 month

training tabs. The IT Selection Panel meets in late summer/early fall where CG-MER is typically represented by the Chief, Industry and Interagency Coordination Division (CG-MER-3).

MEPIT Industry Partners

MEPIT participants typically partner with the oil spill response and contingency planning industry, federal or state emergency and environmental response agencies, or the oil production industry. In 2011 and 2012, MEPIT Industry Partners included the American Petroleum Institute, Clean Caribbean and Americas, Chevron, Shell, Hepaco, and the Virginia Port Authority.

The MEPIT Program currently has one trainee finishing a year-long training with O'Brien's and Clean Gulf & Associates. The incoming MEPIT trainee for 2013 is considering partnering with the American Petroleum Institute and the Bureau of Safety and Environmental Enforcement (BSEE).

USCG and CG-MER Connections

The Office of Shore Forces (CG-741) serves as the overall Program Manager for all four Industry Training Programs and is responsible for administrative control of all trainees.

CG-MER-3 serves as the MEPIT Program Manager (LT Sara Booth). CG-MER-3 provides trainees with a connection to the MER Program throughout the duration of their training and is responsible for working with them to select an appropriate industry partner and for assisting them with the development of a training plan. CG-MER-3 is also responsible for receiving and reviewing monthly and final trainee reports and preparing supervisor comments for trainees' DUINS OER.

In addition to providing support and guidance to the trainees, CG-MER-3 also assists CG-741 with the logistics of Industry Training such as reviewing the annual CGMS solicitation message, reviewing the Industry Training Annual Guidance Memo, participating in the Industry Training selection board, and drafting the MEPIT portion of the Industry Training Annual Report to Congress.

Typical MEPIT trainees are Lieutenants and Lieutenant Commanders who have earned their Pollution Responder qualification.

The Evolution of Louisiana's Chemical Corridor

By LT Tory Saxon, MSU Baton Rouge

The Baton Rouge area is a facility hot spot with an industry that thrives along the Mississippi River's banks. The 85 mile stretch of river between New Orleans and Baton Rouge is known as a "chemical corridor" and can only be rivaled by Houston. The first petro-chemical facility was built in Baton Rouge in 1908. Industry grew fast and furious and, now, over 130 chemical facilities call the shores of the mighty Mississippi home.

In the early 1980's this chemical corridor also became known as "Cancer Alley" as a high rate of cancer diagnoses and public outcry brought attention to concerns with pollution. State regulations were strengthened and Marine Inspection Detachment (MIDET) Baton Rouge was upgraded to Marine Safety Detachment (MSD) Baton Rouge to reduce the response time to the rapidly growing industry.

In 2001, MSD Baton Rouge became Marine Safety Unit (MSU) Baton Rouge, a tenant command of Sector New Orleans, responsible for regulating over 75 facilities. The Facilities Division for MSU Baton Rouge consists of 6 MSTs. Their duties include annual and spot check inspections as well as approving the associated plans, transfer monitors, and pollution response on the Mississippi and Atchafalaya Rivers as well as numerous local bayous. The enactment of the Maritime Transportation Security Act in 2002 placed security of the chemical corridor as a high priority. In fact, the Baton Rouge area has the second highest number of TWIC enrollees in the nation and contains 70% of Louisiana's Maritime Key Resources. The Facilities Division investigates an average of 20 security incidents every year while continually working to strengthen the security posture of each facility.

Port partners have been an important part of the success of the Baton Rouge port area. Last year, the Baton Rouge Area Maritime Security Committee, in conjunction with MSU Baton Rouge, held a full scale exercise that included participants from MSU Baton Rouge, local facilities, Joint Task Force 7, and the Captain of the Port New Orleans. The Coast Guard Exercise Team deemed the Port of Baton Rouge a "model port" for the outstanding coordination of players in a bomb exercise scenario that raised the MARSEC level of the port.

Recently, the facilities division has responded to chemical facility explosions that garnered national media attention and coordinated response operations to recent natural disasters such as Hurricane Isaac. Over the years, the area has taken significant natural disaster hits such as Hurricanes Rita and Katrina,

record high water on the Mississippi River in 2011, and record low water that shut the river down numerous times in 2012. Even so, Baton Rouge is experiencing a boom in new facility construction as well as enjoying numerous facility expansions. As industry continues to develop, the Facilities Division of MSU Baton Rouge will remain on watch and always ready for whatever facility challenges present.



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www: <http://www.uscg.mil/hq/cg5/cg544/default.asp>

Portal: <https://cgportal2.uscg.mil/units/cgfac2/SitePages/Home.aspx>

Homeport: [Homeport](#)> [Mission](#)> [Maritime Security](#) or [Ports and Waterways](#)

TWIC (Portal): <https://cgportal2.uscg.mil/communities/twic-discussion/SitePages/Home.aspx>