



REAL SEAPORT SECURITY NEEDED

Despite the fact that our seaports are extremely vulnerable to terrorist attacks, foreign controlled terminal operators continue to resist measures that would greatly enhance the security of the infrastructure at seaports, our seaport workers and the people living in neighboring communities. The single-minded approach of these terminal operators that increased productivity and bottom-line profits outweigh any other concerns have weakened the nation's ability to protect our seaports and our nation from terrorist attacks. Terminal operators have also used seaport security issues to undermine collective bargaining rights.

Regulations with respect to implementation of the Maritime Transportation Security Act (MTSA), published by the Coast Guard on October 22, 2003, mandate that specific measures related to cargo handling be implemented by July 1, 2004. Yet many terminal operators are seemingly oblivious to the requirements since they have made no preparations to implement them. These measures include:

- (1) Routinely checking cargo, cargo transport units, and cargo storage areas within the facility prior to, and during, cargo handling operations for evidence of tampering, unless it is unsafe to do so;
- (2) Checking that cargo, containers, or other cargo transport units entering the facility match the delivery note or equivalent cargo documentation;
- (3) Screening vehicles; and
- (4) Checking seals and other methods used to prevent tampering upon entering the facility and upon storage within the facility.

Terminal operators have insisted that seal checks should not apply to cargo coming off the ships from foreign countries since they claim that seals will be checked overseas. Their blatant disregard of a clearly stated requirement that ALL seals entering a facility shall be checked further puts our seaports at risk. The United States must not allow foreign nationals to determine the safety and security of the cargo flowing into our country. The most important security check of a container seal is at the point the container is hoisted to the ground from the ship. A broken seal would alert authorities that the container may have been tampered with, and needs a careful inspection.

Since the terrorist attacks on September 11, 2001, some terminal operators have indicated that they will no longer assign workers to check seals on containers. The Marine Terminal Corporation writes that "employees are no longer required to verify seals on loads as they exit the terminal through the out gate." Again, terminal operators are making no preparations to perform additional security seal checks as required by the Coast Guard, and in some cases, are performing less security seal checks before cargo is delivered to the American people.

In addition to seal inspection and documentation requirements, TTD, has consistently advocated the routine, interior inspection of all containers marked "empty." The Coast Guard regulations are silent on the issue of empties but all terminal operators could implement an empty container

security program today without any disruption to their operations. Containers marked as “empty” provide easier opportunity to house destructive devices and, therefore, present increased security risks warranting their inspection at port facilities. Terminal operators should implement a program to inspect “empties,” and the Coast Guard should require their inspection for the safety and security of the American people.

In direct violation of their obligations under a multi-employer collective bargaining agreement to work with the International Longshore and Warehouse Union (ILWU) on all matters related to seaport security, terminal operators have formed a rump group coalition, approved by the Federal Maritime Commission, to discuss and agree on all seaport operations, including seaport and cargo security. There are no ILWU representatives included in the discussions of this rump group. Terminal operators have received the blessing of a government agency with the intent to undermine a collective bargaining agreement designed to allow workers and management to work cooperatively to enhance the security of the American people. Instead, terminal operators are meeting behind closed doors and agreeing on security programs without the benefit of the vast knowledge that workers and their unions bring to the table. TTD condemns this blatant move to undermine a collective bargaining agreement to the detriment of the security of our seaports.

Seaport security is vital to our nation’s interest. Transportation labor has put forward proposals that are workable and will enhance the security of the country. Lloyd’s list reported on April 8, 2002, that 47 warheads were found on a foreign flag ship after the Coast Guard noticed that a “safety seal appeared to differ from the one put on the box when it was loaded.” Port workers have volunteered to perform security checks of the containers but have been stymied by terminal operators who are more interested in beefing up the bottom line.

As these and other security lapses are addressed, TTD also stands ready to meet the challenge of working with the Transportation Security Administration (TSA) in implementing access control measures for our nation’s seaports mandated by the MTSA. Any transportation security card must be used for access/security purposes only, and not be used as a tool for terminal operators to undermine the rights of workers. Only individuals who present a true terrorism security risk should be denied access to secure areas within a port or facility. Additionally, workers and other parties subjected to security checks must be entitled to a fair appeal and waiver process.

The TTD is committed to advocating real seaport security measures before the Coast Guard, the Bureau of Customs and Border Control, the TSA and other agencies with jurisdiction over seaport security. The TTD will inform members of Congress on the state of seaport security and support additional legislation if necessary to enhance seaport security and protect the rights of seaport workers. The TTD will also work to inform the general public through the media about the need to secure our seaports.

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