



July 14, 2008

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

**Re: Crewmember Identification Documents;
 Notice of Proposed Rulemaking
 Docket No. USCG-2007-28648**

Dear Sir or Madam:

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I am writing in regards to Coast Guard's implementation of a mandate from the Maritime Transportation Security Act of 2002 (MTSA) ensuring the identification of crewmembers on vessels in U.S. waters. TTD consists of 32 member unions,¹ including those that represent thousands of maritime and longshore workers who will be directly affected by this recently NPRM.

While we generally support the stated purpose of the NPRM – to positively identify crew members on foreign flag vessels – more must be done to ensure true interoperability between international and U.S. identification credentials for crew members. In addition, we continue to believe that the Coast Guard and our homeland security officials must ensure foreign crewmembers on board foreign flag vessels do not present a security risk to the U.S. As the Coast Guard is well aware, over a million U.S. workers will need to apply for and receive a Transportation Worker Identification Credential (TWIC) and pass extensive background checks mandated by this program. It makes little sense to subject U.S. workers to this regime if we are not checking foreign workers entering U.S. waters and ports with at least comparable standards.

According to the proposed rule, each crewmember of a vessel in the navigable waters of the United States would be required to carry and present on demand one of the following forms of identification: a passport; a U.S. Permanent Resident Card; a U.S. Merchant Mariner's Document (MMD) issued by the U.S. Coast Guard; a Transportation Worker Identification Credential (TWIC) issued by the Transportation Security Administration; and a Seafarer's Identification Document (SID) issued by or under the authority of the government of a country

¹ Attached is a list of TTD member unions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

that has ratified the International Labor Organization Seafarer's Identity Documents Convention, 2003 (ILO 185), meeting all the requirements of ILO 185. The NPRM notes that the SID "is the international standard for the desired characteristics of a seafarer's identification"² and that the SID shares some of the same essential characteristics as the passport, MMD, US Permanent Resident Card and TWIC.³ Under the current regime, U.S. mariners must hold two of the acceptable forms of identification listed in this NPRM – both an MMD and a TWIC.

During post 9-11 discussions about protecting our transportation network from terrorist threats, the Coast Guard opposed maritime labor's recommendation that the United States utilize the terms and requirements of ILO 185 for U.S. mariners and instead instituted the TWIC program for U.S. mariners. In this NPRM, the Coast Guard does not go far enough to achieve true interoperability between comparable international and U.S. identification credentials for crew members. The Coast Guard claims support of "harmonizing . . . regulations with international standards"⁴ and states that this harmonizing will "improve opportunities for U.S. industries in the global market place and reinforce the partnerships we enjoy with international and domestic industry and intergovernmental groups while working towards common goals."⁵ The way to best achieve this harmonization would be to bring about true interoperability, as Congress intended in MTSA.

The United States has not yet ratified ILO 185, which the Coast Guard claims would not be required in this proposal because the agency is not attaching shore leave to the SID, requiring a passport and visa for shore leave. This refusal to facilitate shore leave for foreign crew members who possess the SID will ensure that U.S. mariners in foreign ports possessing a TWIC will incur the same impediments to shore leave and in both instances, crewmembers will increasingly find themselves held on their vessel while in port. As a further step towards interoperability the Coast Guard should urge the United States to ratify ILO 185 so that all requirements will be fully adhered to by the United States.

Furthermore, the TWIC program is not compatible with the SID program under ILO 185. The readers that are to be developed for the TWIC program will not be able to read the international SID, and the SID hardware will not be able to read the TWIC when presented by U.S. mariners in a foreign port. In order to achieve true interoperability between international and U.S. identification credentials for crew members the Coast Guard should ensure that the TWIC readers installed in the U.S. can read "the international standard . . . of a seafarer's identification"⁶ and that the SID readers installed abroad can read the TWIC.

² Crewmember Identification Documents, 73 Fed. Reg. 27780 (May 14, 2008).

³ The shared characteristics of the above mentioned forms of identification are that each: is issued under government authority, as indicated on the document; is made of tamper resistant materials with appropriate security features; contains a photograph of the individual; shows the full name and date of birth of the individual; contains the date of issuance and the expiration date; and contains a unique and traceable number that can be verified.

⁴ Crewmember Identification Documents, 73 Fed. Reg. 27780 (May 14, 2008).

⁵ *Id.*

⁶ *Id.* at 27780

Transportation labor has always supported policies that will enhance the security of our nation's transportation system. As part of this effort, the Coast Guard must assure that foreign crewmembers on board foreign flag vessels complete comparable security and terrorism threat assessments as those imposed on U.S. mariners. Further steps must be taken to achieve true interoperability between comparable international and U.S. identification credentials for crew members. The Coast Guard should urge the United States to ratify ILO 185 so that all requirements will be fully adhered to by the United States, as well as ensure that the technology being used, domestically and internationally, to read crewmembers identification is compatible with both TWIC and SID. Thank you for the opportunity to share the views of transportation workers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, looping flourish at the end.

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)