

June 26, 2017

Admiral Paul F. Zukunft
Commandant (CG-0943)
Attn: Executive Secretary, Marine Safety and Security Council
U.S. Coast Guard Stop 7213
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7213

Attn: Docket No. USCG-2017-0447

Re: Support for Petition for Rulemaking on the TWIC Reader Rule

Dear Admiral Zukunft:

The undersigned organizations, all members of the Chemical Sector Coordinating Council, write to express their support for the petition for rulemaking submitted on May 15 by the American Chemistry Council, the American Fuel & Petrochemical Manufacturers, and the International Liquid Terminals Association regarding the applicability of the “Transportation Worker Identification Credential (TWIC)—Reader Requirements” final rule.¹

Our associations are proud of the close relationship that we have had with the Coast Guard, and our mutual record of successful cooperation, in implementing the Maritime Transportation Security Act. A key aspect of that success has been clear delineation of the scope of the MTSA.

As the petition explains, the final TWIC reader rule extended the concept of “facilities that handle Certain Dangerous Cargoes (CDC) in bulk” beyond those facilities encompassed by long-standing Coast Guard policy regarding CDC facilities and the MTSA’s requirement of a maritime nexus. It did so, moreover, without any prior notice in the proposed versions of the rule. The result was to roughly quadruple the number of facilities covered by the rule and to increase by 50% or more the cost to covered facilities of installing electronic verification capability.

¹ 81 Fed. Reg. 57652 (August 23, 2016).

ADM Paul F. Zukunft

June 26, 2017

Page 2

The final rule established a compliance date of August 23, 2018, and so many members of our respective associations are faced with the need to imminently incur irrevocable compliance costs to meet that deadline. We are not reluctant to invest capital to secure our facilities. But we are very reluctant to do so unnecessarily, or to have to invest in multiple modifications of the same physical access control systems. To avoid those outcomes, the petition requests the Coast Guard to conduct a new rulemaking focused on the narrow issue of what constitutes a facility that handles CDCs, and a more expedited rulemaking to extend the compliance date of the final rule for CDC facilities until two years after issuance of a revised final rule.²

We understand RADM Thomas has indicated, in a recent meeting with Congressman Graves, that the Coast Guard intends to initiate a rulemaking to extend the compliance date of the TWIC reader rule until August 2021 for all CDC facilities, and during that time to conduct another rulemaking to address the issues raised in the petition. This is extremely encouraging news, and we commend the Coast Guard for taking such prompt and decisive action. We look forward to confirmation of this news, and pledge our continued support of the Coast Guard's MTSA efforts in these rulemakings and more broadly.

Sincerely,

Agricultural Retailers Association
American Chemistry Council
American Fuel & Petrochemical Manufacturers
CropLife America
International Institute of Ammonia Refrigeration
International Liquid Terminals Association
Louisiana Chemical Association
National Association of Chemical Distributors
Society of Chemical Manufacturers & Affiliates
The Fertilizer Institute

cc: RADM Steven J. Andersen (DHS/USCG/JAG)
RADM Paul F. Thomas (DHS/USCG/PP)
CAPT Jennifer F. Williams (DHS/USCG/PP/DIC)

² We note that EPA just concluded a similar rulemaking to extend the compliance date of its recent Risk Management Program (RMP) rulemaking to give itself adequate time to develop and issue a revised RMP rule. *See* 82 Fed. Reg. 27133 (June 14, 2017).

ADM Paul F. Zukunft

June 26, 2017

Page 3

CAPT Ryan Manning (DHS/USCG/PP/FAC)

Katia Kroutil (DHS/USCG/JAG/LRA)

Ari Scott (DHS/USCG/JAG/LRA)

Joseph B. Maher (DHS/OGC)

Christina McDonald (DHS/OGC)