



# Marine Safety Information Bulletin

Exh. JR-29

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## COVID 19 – Transportation Worker Identification Credential (TWIC®) Operations

The uninterrupted flow of commerce on our Marine Transportation System (MTS) is critical to both National Security and National economic well-being. During this National emergency for COVID-19 it is paramount that the Coast Guard safeguards the continued operation of the MTS to ensure our domestic supply chain continues uninterrupted. The regulations outlined throughout 33 and 46 Code of Federal Regulations remain in force, and maritime operators are expected to continue to comply with these requirements. However, when compliance with these regulations cannot reasonably be met as a result of COVID-19, the Coast Guard will exercise flexibility to prevent undue delays. The following clarification is provided regarding the Transportation Worker Identification Credential (TWIC®), which is jointly managed by the Coast Guard and the Transportation Security Administration (TSA). TSA may grant a temporary exemption from certain requirements in 49 CFR part 1572 for the expiration of the TWIC for current cardholders. If this occurs the Coast Guard will take these exemptions into consideration.

### Maritime Facilities and Vessels:

**TWIC Readers** - the Coast Guard is not changing or delaying the TWIC Reader Rule implementation date of June 7, 2020, for facilities that receive vessels certificated to carry more than 1,000 passengers and vessels certificated to carry more than 1,000 passengers. However, the Coast Guard will delay enforcement until October 5, 2020. Applicable facilities and vessels are not required to update facility security plans (FSP)/vessel security plans (VSP) or install readers until the revised enforcement date.

**Escort Ratios** – Escort ratios for secure and restricted areas of a facility are provided in Navigation and Inspection Circular (NVIC) 03-07. To provide flexibility due to COVID-19 related health impacts, the escort ratio may be adjusted to meet employee shortages or other demands. This would constitute a change to the FSP or require Captain of the Port approval via noncompliance (discussed below and in MSIB 07-20).

**New Hires** – After enrollment has been completed and a new hire has presented an acceptable form of identification per 33 CFR 101.515(a) to the vessel security officer or facility security officer, that new hire may be allowed access to secure or restricted areas where another person(s) is present who holds a TWIC and can provide reasonable monitoring. The side-by-side escorting required in 33 CFR 101.105 for restricted areas will not be enforced during the COVID-19 pandemic. Additional compliance options for new hires can be found in 33 CFR 104.267 and 105.257 or via noncompliance (discussed below).

**Alternative Security Program (ASP)** – Local users who are unable to comply with the requirements in an approved ASP may pursue temporary relief via noncompliance (discussed below) or an amendment can be submitted to cover the entire ASP via submission to CG-FAC.

**Noncompliance** – 33 CFR 104.125 and 105.125 discusses noncompliance with facility and vessel security requirements. If a situation arises where a facility or vessel will not be able to comply with the requirements of 33 CFR parts 104 or 105, they must contact the Captain of the Port (COTP) to request and receive permission to temporarily deviate from the requirements. While not discussed in 33 CFR 104.125 or 105.125, the vessel or facility operator should evaluate and consider any safety risks that may be created from the noncompliance. This request to continue operations should include new measures or safeguards the facility or vessel plans to employ to mitigate any risk from the non-compliance with 33 CFR part 104 or 105.

## **Merchant Mariner Credentials**

The Coast Guard is providing flexibility with regard to requirements to have a TWIC when applying for a credential or when serving under the authority of a credential. To date, the processing of submitted TWIC enrollments has not been impacted by the COVID-19 crisis, and there is no delay in vetting, card production, and issuance. However, TSA and the Coast Guard recognize that this is an evolving public health situation and enrollment centers closures or processing delays will impact applicants for a merchant mariner credential (see below for more on TSA enrollment centers).

Under the 46 CFR 10.203(b), failure to hold a valid TWIC may serve as grounds for suspension or revocation of a merchant mariner credential (MMC). The Coast Guard will not pursue any suspension and revocation actions based on expired TWIC's during the COVID-19 pandemic. The Coast Guard will update industry prior to reinstating enforcement of this requirement. This enforcement discretion for expired TWICs does not apply to cases where a mariner's TWIC has been suspended or revoked due to a determination that they are a security threat. In those cases, the Coast Guard may pursue suspension or revocation of the MMC.

With respect to expired TWICs in the MMC application process, mariners applying for an original credential will be treated differently than mariners seeking a renewal, raise of grade or new endorsement. This is because the TSA provides the Coast Guard with biometric and biographic information (including the photograph) necessary to evaluate and produce a MMC.

Mariners applying for an original credential need to demonstrate that they have enrolled for a TWIC. Mariners may pre-enroll for a TWIC online, can schedule an appointment, but must complete the in-person enrollment process at the nearest TSA enrollment center. While this proof of application is sufficient to begin the merchant mariner credentialing process, an applicant for an original credential will be unable to obtain a MMC until their biographic and biometric information is provided to the Coast Guard by TSA.

For mariners already holding a MMC, if their TWIC expires, and their credential remains valid, then no action needs to be taken and the credential remains valid.

If a mariner applies for a renewal, raise of grade, new endorsement or duplicate merchant mariner credential while their TWIC is expired, they may apply without a valid TWIC if they demonstrate that they have enrolled for a TWIC renewal.

**TSA Enrollment Centers** – TSA's Enrollment Centers remain open, at this time, and TSA is processing new TWIC enrollments. According to TSA, some enrollment centers have closed and may continue to close for a period of time to ensure the safety, health and wellness of staff and the public. If applicants are planning to visit an enrollment center, TSA encourages individuals to use the "Find an Enrollment Center" feature at the bottom of the Universal Enrollment Services home page (<https://universalenroll.dhs.gov/locator>) to determine if the center is open and its hours of operation. TWIC enrollments must be completed in-person at an enrollment center. You will be required to provide the necessary identity/immigration documentation and submit fingerprints during your in-person enrollment. It is recommended that you schedule an appointment. You may pre-enroll and schedule an appointment online (<https://universalenroll.dhs.gov>).

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