TSA ISSUES AIR CARGO SCREENING RULE

September 21, 2009

What's at Issue

The Transportation Security Administration (TSA) issued an interim final rule (IFR) titled Air Cargo Screening on September 16, 2009. This IFR will affect the transportation of cargo on commercial passenger aircraft in the U.S.

Why It's Important

The purpose of this IFR is to meet the requirements of section 1602 of the Implementing the Recommendations of the 9/11 Commission Act of 2007. The act requires that by February 3, 2009, at least 50% of cargo carried on commercial passenger aircraft must be screened and by August 3, 2010, 100% of cargo carried on commercial passenger aircraft must be screened.

Major Provisions

One of the major obstacles in meeting the goals set forth by the Implementing the Recommendations of the 9/11 Commission Act is that air carriers do not have the facilities or space to screen all cargo effectively at the airport prior to loading on aircraft. This IFR will create the Certified Cargo Screening Program (CCSP) that will allow entities upstream in the cargo transportation process to perform TSA-approved screening and tender the cargo to the air carrier using a secure chain of custody. These screening facilities will be known as Certified Cargo Screening Facilities (CCSF). Air carriers receiving cargo that has been screened by a CCSF and tendered using a secure chain of custody will consider that cargo fully screened.

Under the CSSP, Certified Cargo Screening Facilities will be required to:

- Implement the certified cargo screening standard security program that the TSA develops and any amendments to it;
- Appoint security coordinators at the corporate and facility levels and alternates to be available 24 hours per day, 7 days per week;
- Ensure that the following individuals successfully undergo a TSA-conducted security threat assessment:
    - Each employee and authorized representative who screens cargo or has unescorted access to screened cargo, and
    - each security coordinator and alternate, senior manager of the facility, and other individual who implements the cargo screening program;
- Adhere to strict physical and access control measures for the storage, handling, and screening of cargo;
- Screen cargo using TSA-approved methods;
- Implement chain of custody requirements, including the use of tamper evident technology, which must begin when the cargo is screened and remain intact until the cargo is tendered to the aircraft operator for transport on a passenger aircraft; and

OVER…

(Major Provisions Continued)

- Apply for recertification, including a new examination by a TSA-approved validator, every 36 months.

Entities such as shippers, manufacturers, warehousing entities, distributors, third-party logistics companies, and Indirect Air Carriers (IACs) that are located in the U.S., may apply to the TSA to become CCSFs. In addition, aircraft operators that screen cargo off-airport must also become CCSFs. Entities wishing to become CCSFs must submit a single-facility application to the TSA and provide a TSA-approved validator's evaluation of the applicant's security measures.

This IFR establishes a process for firms to become TSA-approved validators if they:
- Hold and carry out TSA-approved security program;
- Establish security coordinators to be the primary points of contact for security of the facility; and
- Ensure that individuals conducting assessments have professional qualifications, receive training, do not have conflicts of interest with facilities to be assessed, and conduct assessments impartially.

This rule requires that validators, their supervisors and validation firms' security coordinators must undergo a TSA security threat assessment. Individuals performing validation assessments must:
- Be a citizen or national of the United States or be a lawful permanent resident alien;
- Hold a certification or accreditation from a TSA-recognized organization qualified to certify or accredit a validator;
- Have at least five years of experience in inspection or validating compliance with certain government and industry organizations;
- Have sufficient knowledge of certain regulations, policies, and security programs and be able to determine compliance;
- Have sufficient knowledge of the CCSP; and
- Conduct no more than two assessments of a facility seeking approval, unless the TSA authorizes otherwise.

NATA Position
NATA welcomes the opportunity for cargo-handling companies to participate within the CCSP, as prescribed in the IFR. NATA Airline Services Council members continue to work closely with TSA officials to ensure that the cargo handling organizations that participate in the CCSP are provided the necessary resources to ensure that the August 2010 deadline is met.

Status
This IFR becomes effective on November 16, 2009. The TSA will accept comments on this IFR until November 16, 2009. The full text of the Air Cargo Screening IFR is available here.

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