

COAC MEETING NOTES 8-16-07

Minutes from last time were approved.

Tom Winkowski is now the Assist Commissioner of Office of Field Operations, replacing Jay Ahern.

James Caverly, heads up the new Office of Infrastructure, focused on protection of critical infrastructures of the nation.

Post Incident Response Discussion:

- Government response is to relieve and provide support to those impacted.
 - This response is in support of the State's efforts.
 - National Response Framework will be issued shortly for responses and will be provided to COAC for review
 - Want to provide better communication to the State with regards to the decisions that are being made
 - There needs to be connectivity to what the State's decisions are – so this agency will serve as a liaison to ensure people are directed to the right contacts for information
 - The information that should be disseminated to the communities impacted will include what the Federal is responsible for and what the States are responsible for

Disaster Response:

How do I get my operations up and running?

What types of support services are available?

What are the contracts in place that must be dealt with? Sea Carriers, etc?

U.S., Canada and Mexico have agreed to implement joint protocols for post-incident business resumption.

There was a document emailed to all COAC members this morning for review dealing with Action Items and recommendations from the Vancouver Tabletop Exercises.

There is another document that CBP is working on with the Coast Guard for Post Incident Response.

There will be another tabletop exercise next week to test all modes of transportation – including ocean carriage.

Tony Barone:

COAC

Recommendation – That there be a clear control and command structure established and secondly, the principle of federalism. When a port goes down, it is not a state issue – it is a national issue, all states are impacted.

It would be appropriate for COAC to review the CBP model as well.

Chris Koch:

Federalism and pre-emption are important in building the post incident response. Chris stresses that CBP should be in charge. The current strategy document is unclear on these points – the key principle to ensure that federal government can pre-empt local responses.

Jay Ahern:

The question of “who is in charge” is complicated and will be driven individually based on the facts and issues involved.

James Caverly:

There is a huge coordination problem among the various authorities involved. Need an orderly, efficient system.

Tony:

Please keep COAC involved in this process as we have the expertise in these areas and can offer assistance.

Jeremy Luczkowski – the document that is going forward for the Secretary’s review has to do with the response on the Northern Border

Commissioner said we have a right to know “who is in charge.”

Jay Ahern:

We can have frameworks and protocols in place but again it will be based on the type of incident and the facts. He also agrees we need to ensure that there is adequate communication with the trade regarding the frameworks.

Chris said we need to know what type of platform will be used to be communicated to the trade.

Should be incident command centers that are placed around the country so there should be one stop shopping as far as where to turn for information.

Tony: said that our concern is not limited to the place of the incident – that focus misses the need to ensure quick resumption that impacts numerous ports.

Commissioner said there was a real world problem that happened last week – where LAX’s system went down and they figured out how to address the delay and the concern as to how and why it happened.

COAC

Jeff Robertson, new commissioner for the Office of Public Affairs was introduced.

Break

Security Clearances are almost completed. The Commissioner wants these to be completed before the next COAC meeting.

Secretary Chertoff's Comments:

Security and trade – is a balancing act. Biggest challenge however is to continue the flow of trade of commerce. The international supply chain is designed to be as seamless and fast as possible and is at odds with monitoring, screening, etc.

Strategic Objectives:

Keeping dangerous cargo out of the US, including unsafe imports. Approach is to take a layered approach to security to reduce threats and risks but not to eliminate them.

Secure Freight Initiatives, C-TPAT and CSI – all help reduce risk. Common thread is to collect information as a substitute for the 100% screening

Need greater visibility to container moves as well as to identify mechanical effects such as a CSD to identify intrusion into a container. Getting information earlier and more comprehensively is important.

10 + 2 NPRM is still under review at DHS. COAC's recommendations were very helpful to design a NPRM

Will phase the reporting procedures in over time so as to limit the impact on the flow of trade.

Want to pilot a program on a global basis for collecting data world-wide. CBP has issued a solicitation for proposals.

Resumption of Trade: Overarching plan has been issued to try to coordinate the appropriate agencies. Find a way to unify our response to an incident, prioritize the flow of maritime traffic.

CSI – scheduled to be up and running by Oct 1 in 58 ports which represent the majority of trade.

ASP technology is also being implemented (next generation) to better identify radioactive material.

Focus on risk management and security needs to be based on well informed opinions – all threats, all hazards, dealt with 24/7 comprehensively.

Tony Barone:

COAC

Brief report on strategic plan that COAC was able to address – our first comment is that there be a clear command structure and superseding state and local authorities. Lack of clarity over who'd be in charge is a critical issue. Additionally, we don't see a port incident as a state issue – this is clearly a federal issue and needs a federal response and plan. We think further that CBP should be the leader in this effort. We need to know what the federal plan is, where do we get the information – need this to build these into our continuity plans.

Secretary Chertoff: There is a process that unifies the federal effort and sets up an Incident Command Center. Could be coordinated either by a Senior CBP officer or the Coast Guard Commander at the port itself. There are constitutional issues with the State – we can lead the effort around the ports – but not with respect to the municipalities. The role there would be more focused on coordination. There needs to be more exercises to prepare and coordinate and to respond in a unified way.

Chris Koch: Thanked Chertoff for his comments on 10+2 and COAC's efforts. CSDs: we understand that there is a proposal being put together – COAC would like the opportunity to provide comments in advance of finalization of the requirements.

GTX – COAC has no idea what it is and how it would work. A lot of sensitivities with regards to the commercial information itself.

Secretary Chertoff: GTX will be a voluntary program at first. The sooner we have information earlier in the supply chain – the better it is to determine whether the shipment is legitimate. This can assist with targeting and detection.

Lisa S: asked that we be given an opportunity to review GTX in advance and to comment on it in advance of any RFQ. We'd like a briefing.

Curtis Spencer: The whole concern in GTX is with regards to the changes in supply chain – are the major changes needed for 10+2. We want to make sure that 10+2 data is the basis of GTX effort but if many more elements needed for data – there's a concern.

Chertoff's response: there will be for a host of reasons, an increasing demand for security due to concerns over safety. Intelligent accumulation of information is preferred to a 100% physical inspection – need the alternative model to ensure the flow of trade. The Government does not have an infinite amount of time here – so long delays in implementing things and in permitting long study would not be prudent. He does want our input but at the same time, this project must commence timely.

Action Item: ask for the GTX document and opportunity to provide input.

Commissioner said he will try to provide as much information as possible on GTX.

Barry O'Brien pointed out the ITDS is already in existence and could be used as the platform.

Tim Skud: Working on getting more of the information that is in the ACE Data warehouse into the ITDS. Another area is working with WCO to identify common international standards to process information. Because it reduces costs for business to be able to use the same messaging process anywhere in the world – we should implement and

accelerate the WCO international standards in ITDS and ACE. This is in the conceptual stage.

Sam Banks: With the Import Safety Workgroup – each agency may potentially come to the trade with new requirements – so ITDS should be the platform for the collection of data. Also it is moving slowly because CBP does not really have the other agency's commitments to participate. He suggests placing more heat on them.

Peggy R: When the Secretary talks about GTX he is speaking about a private sector effort not a governmental one. Major point that confidentiality issues will be a concern.

Commissioner Basham: The belief is that the private sector is the best to provide the platform. The idea is for importers and exporters to provide information into the system ONE time – so no need to provide additional information multiple times to multiple agencies and multiple countries.

Mike Mullen: said he will put this on the Agenda for November.

Lauren Zuker: DHS is sensitive to protecting the sensitivity of data and by moving forward on 10+2 is in no way a wasted effort. There are many ways of providing various types of data that may or may not be useful for targeting. GTX – trying to identify the key data elements to provide better targeting. GTX is the possibility of gathering additional information to augment targeting efforts. DHS will consult with us to the extent possible.

Chris: Concern about separate effort under GTX to help target – but is disconnected from the current targeting system.

Commissioner said he understands a briefing is needed so we better understand what the concept is.

Curtis: Can we have a briefing before the funding and the RFP goes out.

Mike Mullen: said they will investigate what they can do internally and that they will likely brief us in advance of both.

C-TPAT and CSI –

Lisa S: Report on effectiveness of the CSI

Curtis: C-TPAT:

Assembling a subcommittee on 3pls – challenge in trying to define the scope of what a 3pl is – numerous types of entities could be a 3pl so the committee is working on a definition. Secondly, the committee is working on a better definition of benefits that we'd like. Only a few Green Lane benefits we proposed were accepted by CBP. We are now working on requesting additional benefits.

Bruce: Proposals to C-TPAT Members – for additional benefits – especially Tier III. Recommendation for opening C-TPAT to exporters so that the process dovetails into the WCO SAFE Frameworks.

COAC

However, there is an ownership issue here – Commerce owns the export piece.

Bruce suggested agency coordination to achieve this.

Dan Baldwin explained part of the problem in giving trade benefits is that there is no trade validation.

University of Virginia Report will be out soon to provide further guidance.

Supply Chain Best Practices – Sam Banks is putting team together to act as a knowledgeable group and a resource for CBP to use. Within the next 30 days – meet to establish a baseline exchange. Set the baseline and then set the key questions by and between the Trade and CBP. We hope CBP will figure out how they can use these resources best to assist them. Folks from Secure Freight Initiative should be in the session including various other representatives that cut across various organizational boundaries.

Secure Freight Initiative:

3 elements: Scanning overseas,
10+2
GTX

Report on Sec. Freight is due by April of 2008. Congress may want it to be done by March 08. COAC is in the loop on the report.

Scanning: Significant challenges, technology, health and safety issues, may not support 100%, identifying containers that are to be scanned, i.e., 24 hour rule and sovereignty, and support of carriers and terminal operators.

Second component: 10+2 is at DHS then OMB

GTX. Nuance on GTX is that (unlike 10+2) there are members of the trade saying that GTX is very easy to do, on a voluntary basis, what is out there. Lessons learned from that will help

Any thought to reciprocity? Are we going to scan the export containers for WCO reasons, so that scanning is also done for exports? Well, we are going to do the inbound before the outbound pilot.

Commissioner Basham agreed to have a full briefing of the COAC before the next meeting Nov 07, and we should be receiving a document before the next meeting of COAC Nov 07.

ACE Program Status and E-Manifest: Missed these comments of Lou Samenfink

Jevon: Deployment over the weekend caused massive problems. Lou said it was not a Deployment issue. The A1 deployment will be in a few weeks. These will be done over the weekends. He said he will work harder on communicating to the trade system errors.