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## Marine Transportation Security Clearance Program

### Introduction

Transport Canada is responsible for the planning and development of policies, legislation, regulations, and standards, as well as the oversight and enforcement of the legal framework pertaining to the security of the Canadian transportation system.

As part of the National Security Policy commitment to clarifying and strengthening accountability for marine security, the Minister of Transport has lead responsibility for marine safety and security policy co-ordination and regulation.

The Marine Transportation Security Clearance Program, which is in the new Part 5 of the Marine Transportation Security Regulations, will help to address vulnerabilities in Canada's marine security by limiting access to specific restricted areas at marine facilities which are of a highly security sensitive nature to those who have been granted a Transportation Security Clearance (TSC) and to require a TSC for certain designated duties.

As outlined in Canada's National Security Policy, the Government of Canada has committed to introducing background checks for workers at marine facilities and ports with similar requirements as the Aviation Restricted Air Access Clearance Program (now known as the *Transportation Security Clearance Program*) introduced in October 1985.

These amendments represent Transport Canada's next steps to enhance marine security and build on the requirements of the Marine Transportation Security Regulations implementing the International Ship and Port Facility Security Code in place since July 1, 2004.

### Scope of Program

Transport Canada plans to complete up to 10,000 marine clearances annually. The implementation strategy will be phased-in beginning later in 2005 and will initially include container facilities and cruise ship terminals at the Ports of Vancouver, Montreal and Halifax. In addition, the program will also be implemented at major control centers operated by the St. Lawrence Seaway Management Corporation. Additional ports and facility types could be added in later phases based on assessed security sensitivity of the marine installations.

### Application of Program

#### ***Restricted Areas Requiring a Transportation Security Clearance***

Restricted Areas in marine facilities that:

- contain the central controls for security and surveillance equipment and systems and areas that contain the central lighting system controls; and
- are designated for the loading or unloading of cargo and ships' stores at the cruise ship terminals and land areas adjacent to vessels interfacing with cruise ship terminals

will be subject to the Marine Transportation Security Clearance Program and therefore, persons working in these areas will require a security clearance.

***Job Duties Requiring a Transportation Security Clearance***

Persons who work in certain restricted areas (mostly at cruise ship terminals), persons performing designated duties, and pilots will require a clearance.

The duties that are being designated have been identified through an examination of the functions at marine facilities and ports to identify duties that have the control or influence over the movement of goods or people entering or exiting a marine facility or port, within the marine facility or port, or on to or off of a vessel. The concept does not only focus on whether the person is able to commit an overt act against the marine facility or port, but also whether the person is able to commit an omission which could facilitate an act against marine transportation security.

The concept of requiring clearance for persons performing designated duties is a strategic approach to the implementation of the program by focusing on key duties where organizations (organized crime or terrorist) could take advantage of personnel at marine facilities or ports. This is an alternative approach to requiring all persons who work at the port or a marine facility to have a clearance.

**Transportation Security Clearances (TSCs)**

When issuing clearances, Transport Canada will need to determine that an applicant will not pose a risk to the security of Canada's transportation system. As part of the process for background checks to obtain clearances, applicant will be asked to read and sign a consent form.

**Recourse Mechanisms**

If a clearance is denied, suspended, revoked or cancelled, the applicant will be informed of the decision and provided with a summary of the reasons supporting the action.

An applicant will be able to apply to the Transport Canada Office of Reconsideration for review of any decision. The reconsideration will be conducted independent of the initial decision; with outside and impartial advice being provided to the person conducting the reconsideration. This new reconsideration process will also apply to the existing clearance program under the *Aeronautics Act*.