

November 16, 2009

*Via regulations.gov*

Gale D. Rossides  
Acting Administrator  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6011

Re: Transportation Security Administration Docket Number TSA-2009-0018: Air Cargo Screening

The American Trucking Associations (ATA)<sup>1</sup> submits these comments in response to the Transportation Security Administration's (TSA) Air Cargo Screening Interim Final Rule (IFR) and Request for Comments.<sup>2</sup> Although TSA has only solicited answers to specific questions about its proposed fee structures for background checks, ATA's comments will consider the rule as a whole. When TSA publishes its final rule on air cargo screening within the next year, we believe adoption of the trucking industry's recommendations will reduce the burden on industry while providing a commensurate level of security.<sup>3</sup>

TSA can improve the Certified Cargo Screening Program (CCSP) by:

- Allowing companies to join the program corporately rather than on a facility-by-facility basis; and
- Granting expedited approval to companies that already participate in DHS sponsored programs such as the Customs – Trade Partnership Against Terrorism (C-TPAT).

#### Single Supply Chain Security Program

TSA's Air Cargo Office is to be commended for their long-term efforts in working with industry in developing security programs for the transportation of air cargo. The CCSP and its precursor program, the Indirect Air Carrier Standard Security Program (IACSSP), have considered other government established security programs that impact national and international supply chains, and have allowed for certain components of these programs to comply with the IACSSP and CCSP.

Specifically, ATA is very supportive of TSA's decision to utilize the same chain of custody and security requirements in the CCSP as required by the IACSSP program. As a non-regulated entity under the IACSSP, trucking companies had no access to the IACSSP regulations, which discouraged many trucking companies from participating in the ground

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<sup>1</sup> ATA is a federation of motor carriers, state trucking associations, and national trucking conferences that promotes and protects the interests of the trucking industry. Directly, and through its affiliated organizations, ATA represents more than 37,000 motor carriers of every size, type, and class in the U.S., Canada and Mexico.

<sup>2</sup> See 74 *Federal Register* 47671-47710 (September 16, 2009).

<sup>3</sup> See 49 USC 44901 (g) (3) (B).

movement of air cargo. Several trucking companies actually stopped transporting air cargo due to their inability to ensure and control directly their compliance with the rule. Under the IACSSP, motor carriers were dependent on an IAC to tell them how to comply with the regulation. Under the CCSP, the expansion of the program to include motor carriers represents a major step forward in the transportation of air cargo as well as an important step in improving our nation's security posture.

Similarly, ATA applauds TSA's decision to accept the Security Threat Assessments (STA) on those individuals holding a Hazardous Materials Endorsement on their Commercial Drivers License, a Transportation Worker Identification Credential, or a Free And Secure Trade card in lieu of undergoing a redundant background check for passenger air cargo operations. We hope that this signals a shift in TSA towards further integration and interoperability between the various STAs and modal security programs.

#### Approve Companies Rather than Locations

ATA believes that TSA can improve the CCSP and increase participation by motor carriers by moving from a facility-based concept to a company-based enrollment model. In essence, TSA should not have to certify each company's air-cargo handling locations, but pick a smaller random number of facilities to be inspected and verified as compliant. For example, if a company has fifteen locations that are to be CCSP compliant, TSA could pick randomly five of these fifteen locations for review and validation. Of course, the company understands that all of its fifteen facilities can be inspected at any time and thus all CCSP facilities have to be compliant. It is also understood that company facilities that do not process air cargo destined for passenger airplanes are exempted from the CCSP requirements.

ATA is aware that TSA examined U.S. Customs and Border Protection's (CBP) C-TPAT supply chain security program, which is corporate-based, in developing the CCSP. CBP developed C-TPAT jointly with industry, and both CBP and C-TPAT members agree that the prospect of random inspections at any location, tied to a zero-tolerance policy, is sufficient to ensure compliance by all facilities with the CCSP security standards. Requiring each facility to receive approval merely slows the successful adoption of the program, results in the unnecessary expenditure of resources to have each facility validated, and wastes TSA resources that could be used to support security initiatives in other areas of the transportation system. Once enrolled, however, TSA's plan for managing and regulating each cargo screening facility separately balances security concerns with the need to ensure the flow of commerce.

#### Expedite CCSP Approvals for C-TPAT Members

Again, industry's experience with the C-TPAT program and its validation program should serve as an example for the CCSP. C-TPAT Supply Chain Security Specialists (SCSS) are CBP employees dedicated primarily to review and validate C-TPAT members' compliance with Minimum Security Criteria (MSC). The SCSS not only validates the member's implementation of the MSC, but also provides advice and guidance to the C-TPAT member regarding specific steps that might further improve security.

Conclusion

The CCSP represents a step forward from the IACSSP program in rationalizing air cargo security. TSA is to be commended for harmonizing the security requirements in the CCSP and IACSSP programs, as well as for its decision to accept other STAs for compliance with the CCSP STA. Although the CCSP does improve on the IAC program, TSA can take further steps to streamline the program and increase industry adoption without compromising security. Specifically, ATA suggests that TSA:

- Promote further integration between various TSA security programs, where possible; and
- Allow companies to join the program corporately while regulating sites on a facility-by-facility basis after they have enrolled.

Thank you for considering ATA's comments on the CCSP program. Should you have any questions, please contact the undersigned at 703-838-7982 or [bstephenson@trucking.org](mailto:bstephenson@trucking.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Stephenson', with a long horizontal flourish extending to the right.

Boyd Stephenson  
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