



National Grain and Feed  
Association



North American Export  
Grain Association

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Docket Management Facility  
(M-30)  
U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Ave., S.E.  
Washington, D.C., 20590

*RE: Docket No. USCG-2012-0908 "Facility Security Officer Training Requirements"*

The North American Export Grain Association (NAEGA) and National Grain and Feed Association (NGFA) appreciate this opportunity to provide initial input on the U.S. Department of Homeland Security's (DHS) proposal to develop and establish comprehensive training requirements for Facility Security Officers (FSOs), in coordination with the U.S. Department of Transportation's Maritime Administrator and in consultation with stakeholders.

NAEGA, a not-for-profit trade association established in 1912, consists of private and publicly owned companies and farmer-owned cooperatives that are involved in, and provide services to, the bulk grain and oilseed exporting industry. NAEGA's mission is to promote and sustain the development of commercial export of grain and oilseeds and their primary products. Through a reliance on member action and support, NAEGA acts to accomplish its mission from its office in Washington D.C., and in markets throughout the world.

The NGFA is a U.S.-based nonprofit trade association established in 1896 that consists of more than 1,050 companies from all sectors of the grain elevator, animal feed and feed ingredient, integrated livestock and poultry, grain processing, biofuels and exporting business. NGFA-member companies operate more than 7,000 facilities nationwide that handle more than 70 percent of U.S. grains and oilseeds. Affiliated with the NGFA are 26 state and regional grain and feed trade associations. The NGFA also has strategic alliances with NAEGA and the Pet Food Institute, whose member companies manufacture 98 percent of U.S. commercial pet food.

The NGFA and NAEGA commend the U.S. Coast Guard for conducting an initial public meeting on Nov, 9, 2012, at which our representatives attended and participated, to begin the process of obtaining the stakeholder input required under Section 821 of the Coast Guard Reauthorization Act (P.L. 111-281) on FSO training requirements.

At the outset, it is important to stress that Section 821 of P.L. 111-281 mandates that comprehensive FSO **training requirements** be developed that would lead to certification of such officers. It does **not require that DHS or the Coast Guard develop or implement a comprehensive model course** – reflected in the 77-page draft document dated Oct. 25, 2012 that was released only shortly before the public meeting – that apparently is intended to apply across-the-board to all FSOs, regardless of the type of facility at which they operate. Doing so, we believe, would undermine and complicate effective training by exposing FSO's to additional – and in some cases, irrelevant and unnecessary – training that does not apply to their facilities' operations or their work responsibilities. A good example is the extensive training on international codes, conventions and regulations that would be irrelevant to FSOs operating at most grain-handling facilities.

Further, the law expressly requires that the agency “evaluate...existing port security training programs developed by the federal government...” [*Emphasis added.*] We believe this provision also is extremely important in that it expresses Congress's direction that the Coast Guard recognize **effective training that already occurs for FSOs**, including those serving at facilities covered by Alternative Security Programs (ASP) like the one that exists between the Coast Guard and NAEGA, which also encompasses facilities of NGFA-member companies that choose to participate. To our knowledge, there have not been problems or issues surrounding the training or performance of FSOs serving at export and domestic grain-handling facilities regulated under the Maritime Transportation Security Act or ASPs developed and implemented in partnership with the Coast Guard under such authority.

The NGFA and NAEGA believe the combination of these two factors – the development by DOT's Maritime Administration of an overarching FSO Model Training Course for use by the U.S. Coast Guard that apparently is intended to apply across-the-board to FSOs at all types of facilities plus the failure to consider differentiated training requirements for maritime facilities, including those regulated under ASPs – would result in a massive, excessive, rigid and extremely costly FSO training regime for which a demonstrated need does not exist.

Therefore, NAEGA and NGFA urge DHS and DOT to revamp their proposed approach in the following ways:

- Transform any future draft FSO model course into a basic, streamlined core course with individual modules tailored and targeted specifically to the type of facility(ies) and their unique facility-security needs. For instance, differentiated modules would apply to facilities that receive blue-water vessels versus those limited to brown-water operations and fleeting areas. In addition, differentiated training may be advisable for facilities that operate only seasonally or for portions of the year. These are but a few examples.
- Recognize training already developed and being provided for FSOs at facilities operating under ASPs with the Coast Guard, such as grain-handling and grain export facilities operating under the NAEGA-Coast Guard ASP.
- Consider grandfathering FSOs who have years of experience and have demonstrated proficiency in duties relevant to their responsibilities and facility-specific operations.

In closing, it is important to reiterate comments made during the public meeting by our organizations and others that facility operators have the most at stake in ensuring that FSOs are properly trained concerning relevant matters pertaining to the security of the facilities that they own and operate, and with which their brands, physical and human resources, and business livelihoods inexorably are linked.

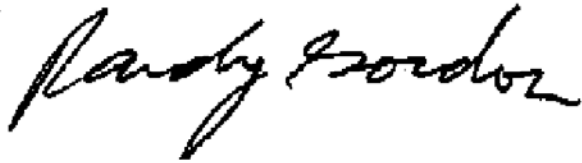
Further, we wish to emphasize that without a demonstrated need for a “certification course,” establishing one will create unnecessary regulatory costs and burdens on what in our member companies’ cases is an already low-margin industry. We believe it is incumbent that a comprehensive cost-benefit analysis be applied, with White House Office of Management and Budget review, of any subsequent model course and proposed regulations emanating from this rulemaking.

NAEGA and NGFA thank you for considering our views. We would be pleased to respond to any questions the agency may have, and will continue to participate in any future rulemakings on this important matter.

Sincerely,



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