

**Los Angeles – Long Beach**  
**Federal Maritime Security Coordinator (FMSC)**  
**Policy Letter 02-07**

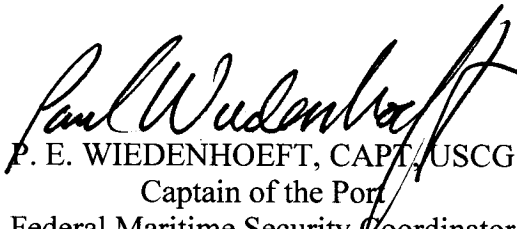
**23 February 2007**

**SEAFARERS' RIGHTS**

This policy letter serves to clarify issues regarding seafarer's rights. The Maritime Transportation Security Act of 2002 and the International Ship and Port Facility Security (ISPS) Code indicate that seafarers and the maritime industry have the primary duty and responsibility for implementing the new security regime for ships and facilities. Seafarers who are allowed shore leave by the U.S. Customs and Border Protection should be permitted to move to and from the vessel through the facility, subject to reasonable requirements in the Facility Security Plan and other applicable regulations. Security policies or practices that deny seafarers from taking authorized shore leave or seafarers' welfare and labor organizations from gaining access to vessels by restricting transit through to the facility may exist. This policy serves as a reminder of the following regulations:

- 33 CFR 105.200 (b) (7) requires facility owners and operators with the following, "Ensure coordination of shore leave for vessel personnel or crew change-out, as well as access through the facility for visitors to the vessel (including representatives of seafarers' welfare and labor organizations), with vessel operators in advance of a vessel's arrival..."
- 33 CFR 105.255 (c) (5) requires facility owners and operators with ensuring "that an identification system is established for checking the identification of ... other persons seeking access to the facility that: Allows temporary or continuing access for ... visitors, including seafarers' chaplains and union representatives..."
- Section A/16.3.15 of the ISPS Code requires facility security plans to address "procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers' welfare and labour organizations."
- Representatives of seafarers' welfare and labor organizations must show personal identification and organization credentials before access can be considered. Any personal identification credential accepted under the access control provisions of this subchapter must, at a minimum, meet 33 CFR 101.515.

I strongly encourage facility owners and operators to maintain a balance between security and seafarer rights by maximizing opportunities for mariner shore leave and access to the vessel for representatives of seafarers' welfare and labor organizations as written into the Facility Security Plan to be put into immediate practice.

  
P. E. WIEDENHOEFT, CAPT, USCG  
Captain of the Port  
Federal Maritime Security Coordinator  
Los Angeles – Long Beach