

presence within the area constitutes a breach of security.

(d) *Maritime Security (MARSEC) Level 1.*

The vessel owner or operator must ensure the implementation of security measures to prevent unauthorized access or activities within the area.

These security measures may include:

- (1) Locking or securing access points;
- (2) Monitoring and using surveillance equipment;
- (3) Using guards or patrols; and
- (4) Using automatic intrusion

detection devices, which if used must activate an audible and/or visual alarm at a location that is continuously attended or monitored, to alert vessel personnel to unauthorized access.

(e) *MARSEC Level 2.* In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved VSP. These additional security measures may include:

- (1) Increasing the frequency and intensity of monitoring and access controls on existing restricted access areas;
- (2) Restricting access to areas adjacent to access points;
- (3) Providing continuous monitoring of each area, using surveillance equipment; and
- (4) Dedicating additional personnel to guard or patrol each area.

(f) *MARSEC Level 3.* In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These additional security measures may include:

- (1) Restricting access to additional areas; and
- (2) Searching restricted areas as part of a security sweep of the vessel.

§ 104.275 Security measures for handling cargo.

(a) *General.* The vessel owner or operator must ensure that security measures relating to cargo handling, some of which may have to be applied in liaison with the facility, are specified in order to:

- (1) Deter tampering;
- (2) Prevent cargo that is not meant for carriage from being accepted and stored on board the vessel;
- (3) Identify cargo that is approved for loading onto the vessel;
- (4) Include inventory control procedures at access points to the vessel;

(5) Coordinate security measures with the shipper or other responsible party in accordance with an established agreement and procedures; and

(6) Be able to check cargo for dangerous substances and devices at the rate specified in the approved Vessel Security Plan. Means to check cargo include:

- (i) Visual examination;
- (ii) Physical examination;
- (iii) Detection devices such as scanners; or
- (iv) Canines.

(b) *Maritime Security (MARSEC) Level 1.* At MARSEC Level 1, the vessel owner or operator must ensure the implementation of measures to:

(1) Routinely check cargo and cargo spaces prior to and during cargo handling;

(2) Check that cargo to be loaded matches the cargo documentation, or that cargo markings or container numbers match the information provided with shipping documents;

(3) Ensure, in liaison with the facility, that vehicles to be loaded on board car carriers, RO-RO, and passenger ships are subjected to screening prior to loading, in accordance with the frequency required in the VSP; and

(4) Check, in liaison with the facility, seals or other methods used to prevent tampering.

(c) *MARSEC Level 2.* In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved Vessel Security Plan (VSP). These additional security measures may include:

- (1) Increasing the frequency and detail of checking cargo and cargo spaces;
- (2) Intensifying checks to ensure that only the intended cargo, container, or other cargo transport units are loaded;
- (3) Intensifying screening of vehicles to be loaded on car-carriers, RO-RO, and passenger vessels;

(4) In liaison with the facility, increasing frequency and detail in checking seals or other methods used to prevent tampering;

(5) Increasing the frequency of the use of scanning/detection equipment, mechanical devices, or canines; or

(6) Coordinating enhanced security measures with the shipper or other responsible party in accordance with an established agreement and procedures.

(d) *MARSEC Level 3.* In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the

implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These additional security measures may include:

- (1) Suspending loading or unloading of cargo;
- (2) Being prepared to cooperate with responders and facilities; or
- (3) Verifying the inventory and location of any hazardous materials carried on board.

§ 104.280 Security measures for delivery of vessel stores and bunkers.

(a) *General.* The vessel owner or operator must ensure that security measures relating to the delivery of vessel stores and bunkers are implemented to:

- (1) Check vessel stores for package integrity;
- (2) Prevent vessel stores from being accepted without inspection;
- (3) Deter tampering; and
- (4) Prevent vessel stores and bunkers from being accepted unless ordered. For vessels that routinely use a facility, a vessel owner or operator may establish and implement standing arrangements between the vessel, its suppliers, and a facility regarding notification and the timing of deliveries and their documentation.

(b) *Maritime Security (MARSEC) Level 1.* At MARSEC Level 1, the vessel owner or operator must ensure the implementation of measures to:

- (1) Check vessel stores before being accepted;
- (2) Check that vessel stores and bunkers match the order prior to being brought on board or being bunkered; and

(3) Ensure that vessel stores are controlled or immediately and securely stowed following delivery.

(c) *MARSEC Level 2.* In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved Vessel Security Plan (VSP). These additional security measures may include:

- (1) Intensifying inspection of the vessel stores during delivery; or
- (2) Checking vessel stores prior to receiving them on board.

(d) *MARSEC Level 3.* In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These