

Hazardous Materials Automated Cargo Communication for Efficient and Safe Shipments (HM-ACCESS)

Synopsis: Law Enforcement Efforts

Stakeholder Group:

The hazardous materials (HM) law enforcement community consists of trained HM inspectors who are organized by transportation mode.

Inspections on motor vehicles transporting HM are usually on demand; i.e., triggered by a particular scenario (such as a traffic violation or routine roadside inspection) that causes an inspector (a police officer or trained civilian) to select a vehicle for inspection. Motor carrier inspectors [usually Federal or State Motor Carrier Safety Assistance Program (MCSAP) Officers] ask the driver for the HM shipping papers at the time of the inspection. If the driver of a motor vehicle transporting HM cannot produce the HM shipping papers for the inspector, he/she is cited and receives a violation; the shipping papers must be produced before the vehicle is allowed to proceed on its journey.

Port container inspections are conducted by US Coast Guard (USCG) inspectors; these enforcement personnel primarily inspect a random sample of declared HM containers (i.e., containers with manifests identifying HM as contained in them). Container inspections are usually announced and planned in advance. USCG inspectors at small and medium ports receive hardcopy HM shipping papers from the terminal/yard office; at the large ports, they must request shipping papers from the shipper via email or telephone. The shipping papers are provided to them, via email or facsimile, 20 minutes to 48 hours after the request is made.

Additional information will be added regarding HM inspections conducted in the air and rail modes.

Feedback and Opinions

Regarding electronic-HM (e-HM) documentation in the motor carrier law enforcement arena:

- An e-HM system that allows inspectors to view the shipping paper information, in shipping paper format (i.e., as one record), instantaneously during the actual inspection (such as on a tablet provided by the driver), would be acceptable to most inspectors.
- Most inspectors who perform motor vehicle inspections on a routine basis have computers; those who perform inspections less frequently usually document results on paper. Approximately 25 percent of inspections are completed in hardcopy. Data on the hardcopy inspection sheets are entered by state officials into the Federal Motor Carrier Safety Administration (FMCSA) Compliance, Safety, and Accountability (CSA) Program's SafetyNet System, a national system for managing roadside inspection data and other motor carrier information. Inspectors with computers upload electronic data directly into the SafetyNet system.
- Motor carrier law enforcement personnel prefer that a performance standard, rather than a technological system, be recommended.

USCG port container inspectors have the following opinions regarding e-HM documentation:

- Shipping papers needed by USCG inspectors at most small and some medium container ports are available at the container yard/terminal office. Electronic shipping papers would be more convenient, but they are not a necessity.
- Because shipping papers that are requested by inspectors at some medium and most large container ports can result in a 48 hour wait time, an e-HM system that could provide the shipping papers quicker would add convenience and reduce inspector wait time.

- If every shipper were required to provide electronic shipping papers directly to the USCG, inspectors at large container ports would not need to contact the terminal/container yard office to determine what HM import shipments would be arriving. This action would both streamline the shipping paper request process and shorten the container inspection selection time.

Concerns, Gaps, and Vulnerabilities

The following information was expressed by the motor carrier inspection community:

- Federal funds cannot be used by law enforcement inspection agencies to purchase computer equipment, if needed, so funds for computers purchased for inspection documentation purposes usually have to come from an individual law enforcement agency's (i.e., the State's) budget.
- For field inspectors that do have computers, devices and data are not standardized throughout the inspection community.
- For the 25 percent of inspectors who are using hardcopies to document the inspection findings, many are part-time inspectors, and it will be challenging for organizations to fund the purchase of computers for these inspectors.
- Inspectors in rural or geographically-challenged may have Internet connectivity issues. Some may use air cards (high speed wireless broadband cards that give them mobile Internet access on their laptops by using their cellular data service) for data access.
- For violations associated with inconsistencies between the shipping paper information and the HM actually on board a vehicle, inspectors must be given a copy of the shipping paper (for violation documentation purposes).

The following information was expressed by the USCG inspectors:

- Since USCG inspectors at the small and medium ports inspect small quantity of containers and the current system works well, there are concerns about altering a process that already fits the USCG's needs.
- USCG inspectors do not have the technology to access electronic documents in the field, so new devices would have to be acquired. The USCG has no plans to invest in such technology, as the security concerns currently outweigh the benefits.
- Allowing shippers a choice between hardcopy and electronic shipping papers may lead to confusion as to where and how inspectors can obtain the documents.
- Shipping papers are obtained in different ways depending on the size of the yard. At the smaller yards, the hardcopies are transmitted directly from the vessel. At medium-sized yards, a copy of the shipping paper is sent via email, and then the office will print out a copy for the USCG inspectors. At the larger yards, shipping papers are only provided for exports; import shipping papers are not obtained by the container yard. Concerns were mentioned about the unnecessary duplication of information that could occur in these scenarios.
- The loss or availability of electronic documentation, should the system crash. USCG inspectors feel a backup hardcopy needs to be available. They also mentioned the importance of having the 24-hour emergency telephone number in case of an incident.
- Some of the remote ports do not have wireless capability; in these areas, USCG inspection personnel would not be able to access the electronic information.
- Electronic shipping papers may present data entry errors and inaccuracies.
- Since the US cannot regulate international use of electronic shipping papers, USCG inspectors expressed concern regarding international shipments and at what point international carriers would have to enter their HM data electronically.