



Transportation Worker Identification Credential (TWIC) Program
August 28, 2008

In response to a number of inquiries concerning TWIC requirements and the comparability between TWIC and Hazardous Materials Endorsement (HME), we are providing the following questions and answers.

Can employers require their employees to enroll for a TWIC even if their job does not require them to have unescorted access to facilities and vessels regulated by the Maritime Transportation Security Act (MTSA)?

No. All applicants must certify that they need a TWIC to perform their job. Applicants must currently be, or are applying to be, a port worker who requires unescorted access to secure areas of maritime facilities and vessels regulated by MTSA; or they are a commercial HME driver licensed in Canada or Mexico. Applicants also certify that the information they provide during the enrollment process is true, complete, and correct. If required, civil or criminal action may be taken if an individual provides false information or makes false certifications (per 49 CFR 1570.5 and 18 U.S.C. 1001).

Where in the TWIC regulation is this topic covered?

49 CFR § 1570.5 Fraud and intentional falsification of records. No person may make, cause to be made, attempt, or cause to attempt any of the following:

(a) Any fraudulent or intentionally false statement in any record or report that is kept, made, or used to show compliance with the subchapter, or exercise any privileges under this subchapter.

49 CFR § 1572.17 Applicant information required for TWIC security threat assessment.

(e) The applicant must certify the following statement in writing: As part of my employment duties, I am required to have unescorted access to secure areas of maritime facilities or vessels in which a Transportation Worker Identification Credential is required; I am now, or I am applying to be, a credentialed merchant mariner; or I am a commercial driver licensed in Canada or Mexico transporting hazardous materials in accordance with 49 CFR 1572.201.

Where are TWICs required?

The TWIC requirements apply to U.S.-flagged vessels subject to 33 CFR Part 104, with the exception of U.S. vessels operating under the waivers provided for under 46 U.S.C. 8103(b)(3)(A) or (B), Warships, naval auxiliaries (USNS vessels), or other vessels owned or operated by the U.S. government and used only on government non-commercial service.

The TWIC requirements also apply to all facilities subject to 33 CFR Parts 105 and 106, except for public access facilities (which are exempt from the access control provisions in 33 CFR Part 105) and facilities that have intermittent operations in their current Coast Guard-approved Facility Security Plans (which includes approved periods when personal identification is not checked).

TWICs are required for unescorted access to secure areas at the above listed vessels and facilities. A secure area is defined as “the area over which an owner/operator has implemented security measures for access control.” For Outer Continental Shelf (OCS) facilities, the secure area encompasses the entirety of the OCS facility. For vessels, the secure area encompasses the entirety of the vessel, with the exception of any passenger or employee access areas, defined in accordance with 33 CFR 104.106 and 104.107, respectively. For facilities, the secure area is the entire area within the outer-most access control perimeter of a facility, with the exception of public access areas (defined in accordance with 33 CFR 105.106). The secure area is bound by the fence line, gates, waterfront, and other means that provide access control to the



area. The secure area is the area regulated by 33 CFR Part 105 and covered by the current Coast Guard-approved security plan.

Facilities with a significant non-maritime transportation portion may request to redefine their secure area to include only the maritime transportation portion of the facility. If the Coast Guard (via the Captain of the Port where the facility is located) approves this redefinition, TWICs will only be required for unescorted access within the newly redefined secure area.

Are the background checks for a TWIC the same as the background checks conducted for an individual applying for Hazardous Materials Endorsement (HME)?

Yes. They have the same eligibility requirements, waiver and appeal process, and fingerprint-based criminal history records check, as described in 49 CFR part 1572. Applicants who hold a valid HME issued after May 31, 2005 are eligible for a reduced fee of \$105.25 and this document should be presented at the time of TWIC enrollment.

For additional information related to TWIC enrollment, please visit the TSA TWIC Program website at www.tsa.gov/twic or send an email to credentialing@dhs.gov.

For additional information related to TWIC compliance, please visit the U.S. Coast Guard TWIC website at <http://homeport.uscg.mil/twic> or send an email to uscg-twic-helpdesk@uscg.mil.