

## **TSA ISSUES FINAL CARGO SCREENING RULE**

August 19, 2011

### ***What's at Issue***

On August 18, 2011, the Transportation Security Administration (TSA) issued a final rule, Air Cargo Screening, which modifies the interim final rule (IFR) regarding air cargo screening that was issued in 2009

### ***Why It's Important***

With this final rule, the TSA addresses the comments provided by industry regarding the 2009 IFR by making several changes to the Certified Cargo Screening Program (CCSP).

### ***Major Provisions***

This final rule makes two substantive and several clarifying and typographical changes to the rule governing the CCSP.

#### **Substantive changes to the CCSP**

- 1) The TSA has eliminated all provisions for the use of third-party validation firms within the CCSP. The TSA explained this change by noting that "there were fewer CCSP applicants than expected and TSA is capable of processing applications itself." Under this final rule, all oversight and inspections will be provided by the TSA.
- 2) The TSA has removed the requirement that air carriers screening cargo at off-airport locations be certified under the CCSP. The TSA notes, "The security programs for aircraft operators have been and will continue to be amended to ensure that the same level of security involving screened cargo is equivalent to that for [facilities certified under the CCSP]."

#### **Clarifying changes to the CCSP**

- 1) The TSA indicated in the rule preamble that security threat assessments (STA) performed for the issuance of airport Security Identification Display Area (SIDA) media would be acceptable for use by facilities certified under the CCSP.
- 2) The TSA clarified the language in Title 49 CFR 1549.7(b)(1) to make it clear that facilities certified under the CCSP must apply for renewal of their security programs and their certification every 36 months.

In addition to the substantive and clarifying changes, the TSA has reevaluated the fee structure for STAs contained within 49 CFR 1540.209. Due to changes in the size of the pool needing STAs, the

TSA estimates that the cost for an STA will increase from previous levels to a \$31 to \$51 level. The TSA provides significant amounts of data supporting the proposed increase in fees and has asked for industry comment on the proposed increase. The final fee will be published as a notice in the *Federal Register*.

### ***NATA Position***

NATA is pleased that the TSA addressed the comments the association submitted in response to the 2009 interim final rule. In those comments, NATA expressly questioned the use of a third-party, “for-profit” entity in performing the governmental role of oversight of the CCSP program. While the TSA’s rationale for eliminating third-party validators is based upon different rationale, the association is pleased to see the TSA retain all oversight authority for the CCSP. In addition, NATA is particularly pleased to see the agency recognize the burden imposed by duplicative security requirements such as requirements for multiple STAs.

NATA will evaluate the data the TSA is using to justify its proposed increased in STA fees and will submit comments to the agency on behalf of its members.

### ***Status***

This final rule is effective on September 19, 2011. The TSA will also accept public comments on the proposed increase in STA fees until September 19, 2011. A full version of the final rule is available [here](#).

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