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Airline Security Threat Environment and Regulatory Compliance

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Government reporting contains no shortage of signals that threat actors, including traditional terroristic actors, are eager to disrupt global shipping and supply chains. This threat environment of frequent negative headlines and internal risk assessments is a stark reminder of our collective vulnerabilities - and we need not look back two decades for examples of potential impact. The COVID-19 pandemic showed us how acute supply constraints nearly immediately trigger chaos. It is time to yet again assess our efforts to fortify operational compliance and risk mitigation.

This article provides a brief functional summary of the security environment in which all-cargo aircraft operators perform their duties within the United States. All of this content is derived from published regulations under the jurisdiction of the Transportation Security Administration ("TSA"). There is no Sensitive Security Information contained here.

Full All-Cargo Security Programs - The laboring oar of global air cargo capacity are the all-cargo freighters. Airline security for all-cargo aircraft operators are subject to their own set of regulatory requirements to ensure the safety of those in the skies and on the ground. Airlines in the full-all cargo aircraft operator segment must receive a written security program from the TSA. The term "full all-cargo program" refers to an aircraft operator with operations having a maximum certificated takeoff weight of more than 45,500 kg (100,309.3 pounds) and carrying only cargo and authorized persons but no passengers. Additional regulatory requirements found in Title 49 CFR apply to the program as well as other terms and notifications issued by the TSA. The basic public details of any such security program are found at 49 CFR Part 1544.

Cargo Screening - The essential objective of a security program is for operators to exercise sufficient control over business operations to prevent unauthorized carriage and unauthorized access by persons. As a result, participation in the full all-cargo program requires steadfast implementation of the security measures disclosed in that program to screen property (and persons) in an effort to prevent or deter unauthorized persons, weapons, explosives, incendiary devices, and other destructive items. Screening or inspection of cargo as required is a key element of this program as well as certain proscriptions such as refusing tender from shippers who do not permit required inspection.

Personnel Screening - Security Threat Assessment ("STA") requirements extend to all personnel with unescorted access to cargo, access to information regarding such cargo, and certain other security sensitive functions. Aircraft operators are also required to implement and enforce certain criminal history record checks ("CHRC") across all covered persons. These requirements essentially amounts to FBI background checks. The CHRC process involves fingerprinting, written declarations,

and verification of identification. Those covered persons include personnel with unescorted access authority, screening function authority, Security Identification Display Area ("SIDA") access, among other critical roles. A list of 28 disqualifying criminal offenses are provided in the regulation. The look-back period is 10 years. Operators must also observe forward-looking screening obligations for covered persons following the initial screen.

Physical Security - Similar to personnel, aircraft operators also face heightened scrutiny for the measures taken to ensure physical security. Operators must prevent unauthorized access to facilities, equipment, and cargoes as part of the security program. Cargo facility and aircraft operations on-site at airport facilities occur within SIDA perimeters established by airport operators. The SIDA requirement includes areas such as: cargo facilities; loading and unloading vehicle docks; and areas where an aircraft operator, foreign air carrier, or indirect air carrier sorts, stores, stages, consolidates, processes, screens, or transfers cargo. Essentially, access to the SIDA is restricted to only those having appropriate identification media. Aircraft operators are also required to arrange for local law enforcement personnel qualified for incident response. Crewmembers and personnel must gain awareness of procedures for obtaining law enforcement assistance in the event of incidents at a facility.

Ongoing vigilance of airline operations, their personnel, and the indirect air carriers as well as commercial users of those services is of course key. We are all tasked with protecting the homeland. These are issues of national security as much as they are focused on regulatory compliance and operational continuity. Continued and growing awareness together with proactive steps to maintain best practice for every load on every flight is an essential part of day-to-day business operations.

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