

TSA “Secured Packing Facility” Program Will Facilitate Compliance with New Cargo Screening Requirements

For airlines and airports regulated by the Transportation Security Administration (TSA), aviation security nomenclature is rife with acronyms: airline passengers pass through ASLs (automated screening lanes) every day, airlines and airports participate in TSA’s APP (Action Plan Program) as an alternative to formal civil enforcement, and airlines operating to the United States may be required to comply with an AOSSP (Aircraft Operator Standard Security Program). Now, TSA is introducing a new program with the requisite TSA acronym: Secured Packing Facility or SPF.

To help ease the burden of complying with a new cargo screening requirement, TSA is inviting manufacturers, shippers, suppliers, warehouses, vendors, e-commerce fulfillment centers, and third-party logistics providers in the air cargo supply chain to apply for TSA designation as an SPF. SPFs are required to implement a “system of government approved security controls sufficient to prevent the introduction of concealed explosives into the air cargo supply chain.” Cargo aircraft operators would be permitted to accept cargo from SPFs without conducting additional screening, providing significant supply chain benefits in the form of reduced delays and costs.

TSA is implementing the SPF program to assist the industry in complying with new international air cargo security screening requirements. As of June 30, 2021, the International Civil Aviation Organization (ICAO), an agency of the United Nations, is requiring that all ICAO member states (including the United States) apply the same security screening measures to cargo traveling on passenger as on all-cargo aircraft (previously, the applicable screening measures differed). Specifically, international air cargo transported on commercial aircraft — whether passenger or cargo — must either be (1) screened to a level intended to identify and/or detect the presence of concealed explosive devices or (2) under appropriate security controls throughout the cargo supply chain to prevent the introduction of concealed explosive devices.

Obtaining an SPF designation is not mandatory. Rather, TSA is “providing the opportunity for entities within the supply chain to choose to be regulated by TSA as an alternative to the potential burden associated with the international requirement to screen cargo that has not been otherwise subject to physical security measures.” To become an SPF, interested entities must first apply for and be recognized by TSA as an Indirect Air Carrier (existing IACs may apply to become an SPF.) Once approved as an IAC, the entity may request to operate as an SPF by submitting an SPF application, which includes a written plan describing how the SPF will implement the requirements in TSA’s “SPF Order” and satisfy certain performance-based standards. Because the SPF Order contains Sensitive Security Information (SSI), it will be provided to the applicant in accordance with SSI procedures and is not available to the public.

Airlines and entities dependent on an efficient and secure air cargo supply chain have good reason to welcome the development of the SPF program. The SPF will provide an alternative approach to satisfy and potentially lessen the burden of new ICAO screening requirements. However, entities considering participating in the program should also understand the legal implications of becoming an SPF. For example, to become an SPF, the entity must first become an IAC. IACs are required to comply with the regulatory requirements contained in a TSA Indirect Air Carrier Standard Security Program. Additionally, the TSA’s notice states that SPFs must comply with all requirements in the SPF Order. In both cases — under the IAC and SPF programs — entities that fail to comply with applicable requirements would face enforcement risk, which could result in significant civil penalties. Thus, interested parties should ensure the legal requirements of the SPF program are well understood at an organizational and operational level to reduce liability risk.

To initiate the SPF application process, interested persons must send an email indicating their



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interest to become an SPF to TSA. Additional information about the application process can be found [here](#).
