



Homeland  
Security

# ***Securing the Chemical Sector:***

***An Overview of the Chemical Facility Anti-Terrorism Standards***

***September 2007***

## ***CFATS – Regulation Overview***

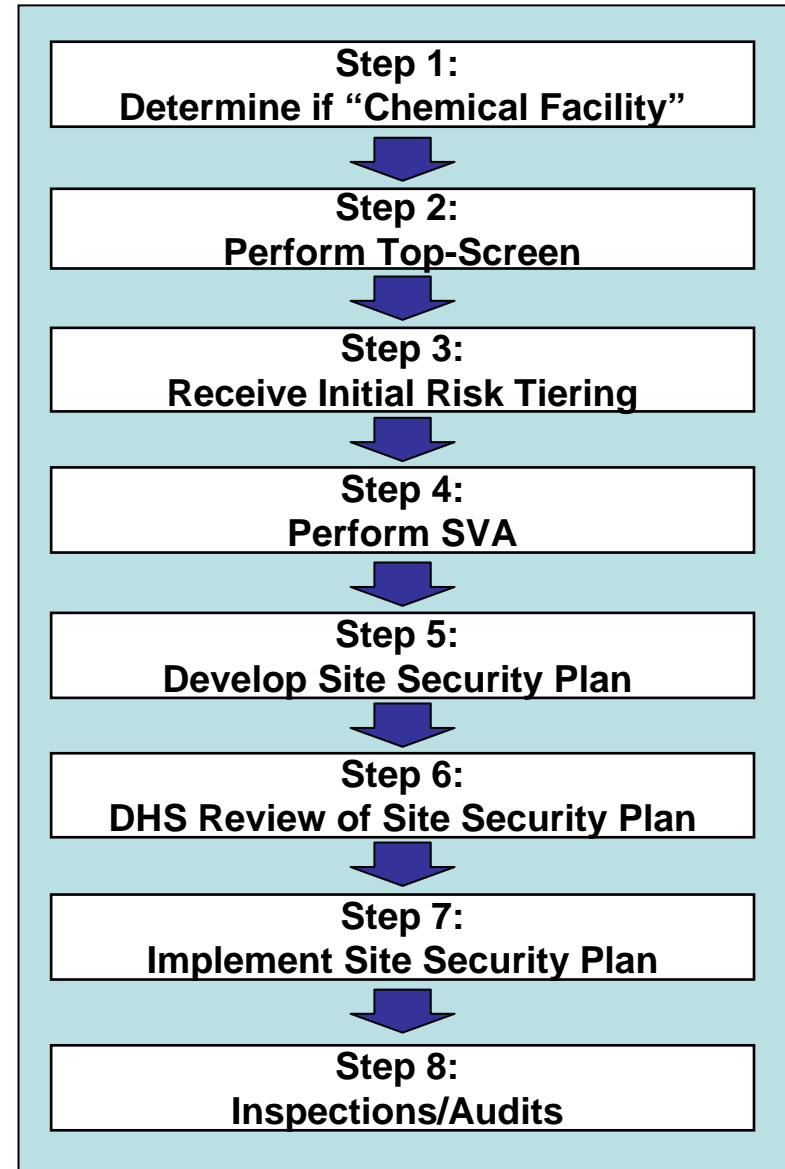
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- ▶ **DHS’s chemical facility security regulatory regime—the Chemical Facility Anti-Terrorism Standards (CFATS)—was published on April 9, 2007 and went active on June 8, 2007**
  - In developing the final regulations, DHS reviewed over 1,300 pages of comments on the ANRM submitted from over 110 commenters
- ▶ **With the issuance of the IFR, DHS published a list of “Chemicals of Interest” for comment.**
- ▶ **DHS has created the Office of Infrastructure Protection’s Chemical Security Compliance Division (CSCD) to oversee the regulatory program**
- ▶ **CSCD will roll out regulatory oversight in a phased approach**
  - Phase 1: DHS will initially focus its resources on highest risk facilities.
  - With the issuance of the revised chemical list, all other captured chemical facilities will be required to complete an initial consequence screen to identify which facilities are high risk.



## ***CFATS – Regulation Overview (cont.)***

- ▶ The CFATS uses a multi-step process to:
  - Identify high-risk chemical facilities
  - Assign high-risk chemical facilities to risk tiers
  - Identify vulnerabilities at high-risk chemical facilities
  - Develop and implement Site Security Plans
  - Inspect and audit facilities to ensure vulnerabilities are adequately addressed and risk-based performance standards are met
  
- ▶ Other important CFATS components include:
  - Alternate Security Programs
  - Adjudications Process
  - CVI



## Regulatory Scope: Chemicals of Interest (Appendix A)

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- ▶ Comment period for Appendix A (List of Chemicals of Interest) closed on May 9th.
  - Since then, we have been working to assimilate comments received and prepare responses to the comments.
  
- ▶ Summary of comments:
  - Received approximately 4,300 separate comments to date, amounting to roughly 6,000 pages.
  - Vast majority (4,000) of comments stem from a write-in campaign by the propane industry.
  
- ▶ Goal is to publish revised Appendix A in September.

## Regulatory Scope: Chemicals of Interest (Appendix A)

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- ▶ Summary of Technical Comments:
  - Concern regarding the threshold quantity and lack of fuel exemption for propane.
  - Call for specific threshold quantities to be set for all chemicals, rather than “any amount.”
  - Concern from colleges and universities, hospitals, farms, others possibly captured by “any amount” and concern over associated regulatory burden.
  - Concern regarding the use of anhydrous ammonia in refrigeration systems.
  - Call for clarification regarding mixtures or mixed chemicals, and chemicals held incidental to transportation.
- ▶ We have been developing rational, manageable, explainable STQs for all chemicals of interest.
  - Science-based and informed by other regulations or standards.
  - Working closely with FBI and DHS S&T Chemical Security Analysis Center (CSAC).



## ***Laboratory Security***

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- ▶ In the course of the comment period, it emerged that research laboratories – specifically colleges and universities – could potentially be impacted, or at the very least had concerns and special circumstances that needed to be addressed in the implementation of CFATS.
- ▶ DHS identified a group of Higher-Education stakeholders, including a representative from the National Association of State Universities and Land Grant Colleges to work through these issues.
  - Implementation of CFATS will be informed by any special circumstances that the IFR may not have anticipated, as well as implementation actions that might be unique to this community.
- ▶ We have held one meeting with these subject matter experts, and are in the process of organizing another session which would (most likely) be on the ground at a University.



# Risk-Based Performance Standards

## ► Performance Standards

- Covered facilities must satisfy the Risk-Based Performance Standards (RBPSs) identified in Section 27.230 of the regulations
- There are 18 RBPSs in the rule, addressing the following areas:

1. *Restricted Area Perimeter*
2. *Securing Site Assets*
3. *Screening and Access Controls*
4. *Deter, Detect, and Delay*
5. *Shipping, Receipt, and Storage*
6. *Theft and Diversion*
7. *Sabotage*
8. *Cyber*
9. *Response*
10. *Monitoring*
11. *Training*
12. *Personnel Surety*
13. *Elevated Threats*
14. *Specific Threats, Vulnerabilities, or Risks*
15. *Reporting of Significant Security Incidents*
16. *Significant Security Incidents and Suspicious Activities*
17. *Officials and Organizations*
18. *Records*

## ► Guidance for Covered Facilities

- DHS will issue guidance on the application of these standards to risk-based tiers of covered facilities, and the acceptable layering of measures used to meet these standards will vary by risk based tier. 6 CFR 27.230(a)

# ***Chemical-terrorism Vulnerability Information***

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## ▶ **Chemical-terrorism Vulnerability Information (CVI)**

- CVI is an information handling regime established for the maintenance, safeguarding, and disclosure of the certain information and records related to the CFATS regulatory regime, including:
  - *Security Vulnerability Assessments*
  - *Site Security Plans*
  - *Documents related to the review and approval of SVAs and SSPs*
  - *Alternate Security Plans*
  - *Documents related to inspections or audits, etc*
  - *Other similar documents*
- All CVI materials must be appropriately marked, handled, and stored

## ▶ **Eligible Persons to use CVI**

- The following classes of people may use CVI if they have a need to know
  - *Facility employees*
  - *Federal employees, contractors, and grantees*
  - *State/local government employees*
- To use CVI, an individual must have successfully completed a background check

## ▶ **Violation of CVI**

- Violation of CVI is grounds for a civil penalty and other enforcement or corrective action by DHS, and appropriate personnel actions for Federal employees