



**Homeland
Security**

DO THE CHEMICAL FACILITY ANTI-TERRORISM STANDARDS APPLY TO MY FACILITY?

What are the Chemical Facility Anti-Terrorism Standards (CFATS)? On April 9, 2007, the U.S. Department of Homeland Security (DHS) issued the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27. Congress mandated these regulations under Section 550 of the DHS Appropriations Act of 2007, authorizing the Department to identify, assess, and ensure effective security at high-risk chemical facilities. [See 72 FR 17688 (April 9, 2007)]

What is a Facility? A chemical facility is defined in 6 CFR § 27.105 as “any establishment that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined by the Secretary to be potentially dangerous or that meets other risk-related criteria identified by the Department.”

This means that a broad array of facilities, including Colleges and Universities, hospitals, warehouses, chemical repackaging operations, paint manufacturers, chemical manufacturers, oil and gas operations, mining operations, etc., may be subject to these requirements depending on their individual circumstances, including the type and quantities of chemicals that they possess, or plan to possess.

Note that Section 550 of the DHS Appropriations Act of 2007 specifically exempts certain facilities: 1) regulated under the Maritime Transportation Security Act; 2) owned or operated by the Department of Defense or Department of Energy; 3) regulated by the Nuclear Regulatory Commission; and 4) public water systems (as defined by section 1401 of the Safe Water Drinking Act), and water treatment works (as defined by section 212 of the Federal Water Pollution Control Act).

What is Appendix A? Appendix A of the CFATS regulation lists over 320 chemicals of interest (COI), and their corresponding Screening Threshold Quantities (STQ), that DHS has determined have the potential for significant adverse consequences to human life or health if released, stolen or diverted, or sabotaged or contaminated. [See 72 FR 17696 (April 9, 2007); 72 FR 65396 (Nov. 20, 2007)].

What is the Top-Screen? The Top-Screen is an easy-to-use online questionnaire that facility owners and operators complete to provide DHS with a basic understanding of the facility’s potential level of consequence. After reviewing a facility’s Top-Screen submission, DHS will preliminarily determine whether the facility presents a high level of security risk. Most facilities that complete the Top-Screen will not be subject to further regulation by DHS. The Top-Screen is part of the Chemical Security Assessment Tool (CSAT). To register to use the CSAT Top-Screen, facilities should visit www.dhs.gov/chemicalsecurity.

Who will be required to complete the Top-Screen and by when? If a facility possesses a chemical of interest, regardless of holding time, at or above the listed applicable STQ, the facility must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of the listed chemical of interest at or above the listed STQ.

What kinds of chemicals does Appendix A contain and why? To determine the type and quantity of chemicals that require a facility to complete the Top-Screen, DHS examined three security issues:

- **Release:** quantities of toxic, flammable, or explosive chemicals that have the potential to create significant adverse consequences for human life or health if intentionally released or detonated.
- **Theft or Diversion:** chemicals that have the potential, if stolen or diverted, to be used as weapons or easily converted into weapons, in order to create significant adverse consequences for human life or health.
- **Sabotage or Contamination:** chemicals that, if mixed with other readily available materials, have the potential to create significant adverse consequences for human health or life.

What is Chemical-Terrorism Vulnerability Information (CVI)? The final CFATS rulemaking notice explained the creation of a new category of sensitive but unclassified information, CVI, and set forth the rules governing its maintenance, handling, and disclosure. [See 72 FR 17695 (April 9, 2007)] DHS provides online CVI training for individuals to become CVI Authorized Users. CVI authorization is required to access, complete and submit the CSAT Top-Screen, as well as other CVI documents that may be required under CFATS, such as the Security Vulnerability Assessment (SVA) and Site Security Plan (SSP). All CVI materials must be appropriately marked, handled, and stored.

Persons potentially eligible to access CVI include:

- *Facility employees*
- *Federal employees, contractors, and grantees*
- *State/local government employees*

No individuals may have access to CVI unless they are CVI Authorized Users and have a “need-to-know.” Violation of CVI rules may be grounds for a civil penalty and/or other enforcement or corrective action by DHS. Additional information on CVI training and authorization can be found at: http://www.dhs.gov/files/programs/gc_1169501486197.shtm

For More Information

The CFATS Help Desk toll-free number is 1-866-323-2957

- Hours of Operation are 7:00AM – 7:00PM, Monday through Friday
- The Help Desk is closed for Federal Holidays

The CFATS Help Desk email address is CSAT@DHS.gov

- CFATS Regional Commander and Chemical Inspector Contact information can be provided by the helpdesk for further assistance

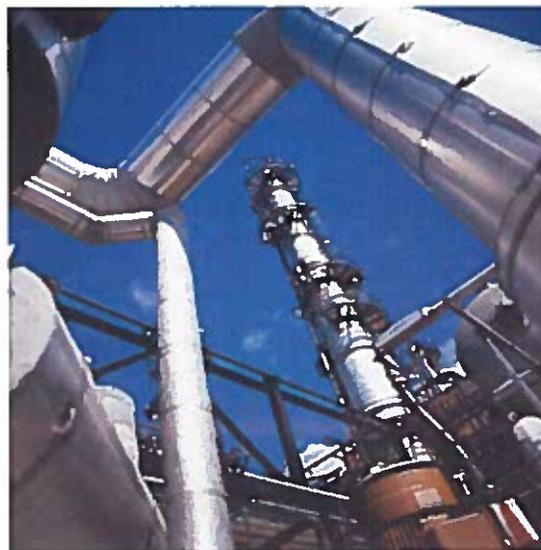
For more about CFATS, CFATS Frequently Asked Questions (FAQs), and CVI training go to: WWW.DHS.GOV/CHEMICALSECURITY.



In October 2006, Congress passed Section 550 of the DHS Appropriations Act of 2007, Pub. L. 109-295, authorizing and requiring the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines, in its discretion, are high-risk. To implement this authority, DHS issued the Chemical Facility Anti-Terrorism Standards regulation (CFATS) in 2007. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet applicable risk-based performance standards (RBPS).

Facilities that are required to comply with at least some provisions of the CFATS regulation will largely fall into the following categories:

- Chemical manufacturing, storage, and distribution
- Energy and Utilities
- Agriculture and Food
- Paints and Coatings
- Explosives
- Mining
- Electronics
- Plastics
- Universities and Research Institutions
- Healthcare and Pharmaceuticals



What are the Chemical Facility Anti-Terrorism Standards?

CFATS is a risk-based performance program that sets the standards for security at the Nation's highest risk chemical facilities.

- High-risk facilities contain Chemicals of Interest (COI) that give rise to one or more security issues to include: release of toxic chemicals, theft or diversion of chemicals, and chemicals that can be used for sabotage or contamination.
- CFATS-covered facilities are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).

What are Chemicals of Interest?

Appendix A to the CFATS Interim Final Rule contains DHS's COI that give rise to one or more security issues, namely: release, theft/diversion, and sabotage/contamination. Under the CFATS rule, if a facility possesses an Appendix A COI at or above the applicable Screening Threshold Quantity (STQ), the facility must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of the COI.

Risk-Based Tiering

Consistent with Section 550, the CFATS regulation follows a risk-based approach that allows DHS to focus its resources on high-risk chemical facilities in accordance with their specific level of risk. First, DHS will examine facility information submitted through the Top-Screen. After analyzing Top-Screen data from facilities, DHS will preliminarily assign high-risk facilities to one of four risk-based tiers. High-risk facilities will receive their final risk-based tiering assignments after DHS reviews their SVAs.

The Risk-Based Performance Standards (RBPS)

Section 550 directed the Department to issue regulations “establishing risk-based performance standards for the security of high-risk chemical facilities.”

CFATS establishes Risk-Based Performance Standards (RBPSs) for security issues such as perimeter security, access control, personnel surety, and cyber security. However, not all high-risk facilities will need to take action to satisfy each RBPS. A facility's SSP will be tailored to its specific tier level, security issues, risks, and circumstances, as determined by DHS' review of its SVA.

Inspections Process

The Department will inspect high-risk chemical facilities at regular intervals with higher tiered facilities being inspected first and more frequently.

The Department may also inspect a high-risk facility at any time based on new information or security concerns. A minimum of 24 hours advance notice typically will be provided to facilities unless specific security concerns demand immediate attention.

The DHS staff who will conduct inspections have completed a rigorous training program, incorporating both classroom and on-site facility instruction by experts in chemistry, emergency response, terrorism, and industrial security.

Compliance and Enforcement

The CFATS regulation provides that if DHS believes any facility is in violation of the regulation, the Department may issue an appropriate order to the facility specifying the violation and steps that must be taken to correct the noncompliance. Violation of such a compliance order may result in additional orders assessing civil penalties of \$25,000 per day or to cease operations.

DHS Compliance Assistance and Outreach

DHS has developed a variety of tools to facilitate compliance with CFATS:

- **The CSAT Help Desk** provides timely support to chemical facility owners and operators as well as a CFATS tip-line for anonymous chemical facility security reporting. It can be reached at 1-866-323-2957, or at csat@dhs.gov
- **The CFATS Knowledge Center** is an online repository of Frequently Asked Questions, articles, and documents relating to CFATS and Ammonium Nitrate Programs. It can be found by visiting <http://csat-help.dhs.gov/>.
- **Chemical Security Inspectors and other DHS subject matter experts** are available to provide guidance to facilities through outreach meetings, calls, and other engagements.

Contact Information

For more information visit: <http://www.dhs.gov/critical-infrastructure>. To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please contact cfats@hq.dhs.gov.



Homeland Security

What to Expect from a CFATS Authorization Inspection

What is an Authorization Inspection?

Under the Chemical Facility Anti-Terrorism Standards (CFATS), an Authorization Inspection (AI) is conducted at covered facilities to verify and validate that the content listed in the facility's authorized Site Security Plan (SSP) or Alternative Security Program (ASP) is accurate and complete and that existing and planned equipment, processes, and procedures are appropriate and sufficient to meet the established Risk-Based Performance Standards (RBPS) requirements.



Both Section 550 of the Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 § 550 (2006), and CFATS, 6 C.F.R. Part 27, provide authority for DHS to conduct authorization inspections. Specifically, 6 C.F.R. § 27.250(a) provides authority for the Department of Homeland Security (DHS or the Department) to enter, inspect, and audit the property, equipment, operations, and records of CFATS covered facilities.

When DHS determines that a facility is ready for an AI, DHS will send the facility a Letter of Authorization through CSAT. In addition, an inspector will reach out by phone and/or email to the designated facility site representative to schedule a date and time for the AI. During the AI, the inspector will discuss the following topics:

- Purpose and scope of the visit
- Expected duration and schedule of the inspection
- Required facility personnel and resources/documents that should be available during the inspection
- Chemical-terrorism Vulnerability Information (CVI) considerations
- Personal Protective equipment/safety requirement

What should a facility do to prepare for an Authorization Inspection?

A facility may want to have readily available a chemical inventory list, a site/facility layout map, all CFATS-related documents required under 6 C.F.R. § 27.255 (Recordkeeping Requirements), and all procedures and records pertaining to the storage and transportation of chemicals.

Key personnel should be available during the AI, such as, the facility manager and facility security representative, operations manager, and the submitter of the security plan.

What occurs during and after the Authorization Inspection?

The inspection team will participate in any security or safety briefings and will conduct an in-brief to discuss the purpose of the AI and the planned schedule for the inspection. The Facility's SSP or ASP will be opened at the beginning of the AI so that the facility can update the SSP/ASP with the inspection team onsite.

After the inspection is complete, the inspection team will provide an out-brief for the facility to provide a general overview of the issues raised by the AI and discuss next steps.

The facility's security plan will remain open for 30 days post-AI to permit the facility to make any changes. Once submitted, DHS will review the updated SSP/ASP, the authorization inspection report, and any other relevant information and determine whether to approve the facility's security plan. If DHS finds that all applicable RBPSs are sufficient, DHS will send the facility a Letter of Approval through CSAT. DHS will then conduct periodic compliance inspections and audits of the facility to ensure continued compliance with the facility's approved security plan. If DHS finds that all applicable RBPSs in the facility's security plan are not sufficient, DHS will send the facility a Notice of Deficiency through CSAT as required by 6 C.F.R. § 27.245(b). The facility must then resubmit a sufficient security plan addressing the deficiencies by a specific date. If the resubmitted security plan does not satisfy the requirements of 6 C.F.R. § 27.225, then DHS may disapprove the facility's security plan.

SSP Lessons Learned

When updating the SSP, a facility may choose to consider the following best practices:

- Include information on all applicable RBPSs. To simplify, there are five security areas a facility should consider when completing the SSP/ASP: Detection, Delay, Response/Mitigation, Security Management, and Cybersecurity.
- Include detailed descriptions of security measures within the "other" boxes.
- Think about safety or engineering items that your facility could use as a security feature.
- Facilities that take an asset-based approach to security should define the assets in the asset-specific section and describe the associated security measures in detail.
- All planned measures need to include an implementation timeline and specific detail regarding what the planned measure includes.

A few RBPS-specific best practices to consider include:

- RBPS 8 – Cyber: Facilities should identify the types of systems that impact the security of their Chemicals of Interest (COI) and focus on the security measures in place to protect these systems.
- RBPS 12 – Personnel Surety: Perform appropriate background checks on and ensure appropriate credentials for facility personnel, and as appropriate, for unescorted visitors with access to restricted areas or critical assets.
- RBPS 18 – Records: Section 27.255 of CFATS sets out the records a covered facility must keep and for what time period. A facility security plan should include language stating that it will maintain all of the records required by 6 C.F.R. 27.255.

Contact Information

To learn more about CFATS and Chemical Security Inspectors, visit: <http://www.dhs.gov/critical-infrastructure-chemical-security>.

To ask a Department representative to speak on the CFATS regulatory program, please contact cfats@hq.dhs.gov.

Reporting Potential CFATS Concerns

To report a possible security concern involving the CFATS regulation, call the Tip Line at **877-394-4347** (877-FYI 4 DHS). Calls to this tip line should involve the CFATS regulation at your facility or another facility. You may report concerns on voicemail anonymously. To receive a return call, leave your name and number.

If you have a security emergency or terrorist incident, call 911 or contact your local FBI field office.