The Office of Infrastructure Protection

National Protection and Programs Directorate
Department of Homeland Security

Chemical Facility Anti-Terrorism Standards (CFATS)

Montgomery County MD LEPC

January 2018
Why Chemical Facility Security?

We face a persistent and evolving threat

- A successful attack on a chemical facility could potentially cause a significant number of deaths and injuries
- Certain chemical facilities possess materials that could be stolen or diverted and used for terrorist activities

2. Ammonium Nitrate, Texas, April 2013
3. Chlorine-tinged cloud of smoke rises from a bomb detonated by Iraqi army and Shi’ite fighters, Iraq, March 2015

French Authorities Hold Suspect in Beheading and Explosion at Chemical Plant
NY Times, June 26, 2015

“Compelling Confirmation” that Chlorine Gas Used as Weapon in Syria
OPCW, September 10, 2014

Death Toll in West, Texas, Fertilizer Explosion Rises to 15
NPR, April 23, 2013

1.
2.
3.
In December 2006, Congress authorized DHS to regulate security at “high-risk” chemical facilities.

The Department developed the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27, to implement this authority.

In December 2014, Congress extended the Department’s authority through the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 - 6 U.S. Code Chapter 1, Subchapter XVI: Chemical Facility Anti-Terrorism Standards (CFATS).
The CFATS Regulation

The CFATS program identifies and regulates high-risk chemical facilities to ensure they implement appropriate security measures to reduce the risk of a terrorist attack associated with more than 300 chemicals of interest (COI). If held in specified quantities and concentrations, these chemicals must be reported to DHS. Facilities that store, manufacture, or distribute COI at or above screening threshold quantities (STQ) are required to comply with the CFATS standards.

CFATS follows a risk-based approach, allowing DHS to focus on high-risk chemical facilities in accordance with their specific level of risk.
CFATS Universe

Identifying high-risk chemical facilities

- “Appendix A” – a list of 300+ chemicals of interest (COI) at specific threshold quantities and concentrations that require reporting to the Department
Industries with Facilities Regulated by CFATS

CFATS regulates facilities in various industries, including:

- Academia (College & Universities)
- Aerial Sprayers (Non-Fertilizer)
- Breweries
- Cold Chain/Refrigeration
- Energy Utilities
- Fisheries and Hatcheries
- Food Processors and Co-Ops
- Healthcare (Hospitals & Providers)
- Laboratories
- Metal Service and Metal Merchants
- Mining
- Motor Vehicle Parts Manufacturing
- Paints/Coatings
- Petrochemical Manufacturing
- Petroleum Refining/Oil Drilling
- Plastics
- Pulp and Paper
- Race Tracks
- Retail Storage and Distribution
- Semiconductors
- Water Parks, Pools, and Filtration
- Wineries
Am I Exempt?

Statutory Exemptions

- Facilities regulated by the Nuclear Regulatory Commission
- Facilities owned by the Departments of Defense or Energy
- Public water systems and water treatment works regulated under certain Federal water quality laws
- Facilities regulated under the Maritime Transportation Security Act

Agricultural Production Facilities

- In January 2008, DHS indefinitely extended the Top-Screen due date for agricultural production facilities
Essentials of the CFATS Program

- DHS uses information submitted through an online survey (Top-Screen) to determine if a facility is high-risk
  - High-risk (i.e., covered) facilities are placed in 4 tiers. Tier 1 represents the highest risk

- Covered facilities are required to develop and implement security plans that meet applicable risk-based performance standards (RBPS)

- More than 3,000 facilities have eliminated, reduced, or modified their holdings and/or processes and are no longer considered high-risk
The CFATS Process

Facility may be tiered in or drop out

If the facility receives a tier…

Submit Top-Screen

Receive a Tier (1-4) or be deemed not high-risk

Provide a Security Vulnerability Assessment (SVA)/Complete Site Security Plan (SSP) or Alternative Security Plan (ASP)

Receive Authorization and an Authorization Inspection

Receive Approval of the SSP/ASP

Implement Planned Measures and Undergo Regular Compliance Inspections

All facilities with COI

High-risk facilities

• DHS provides compliance assistance upon request at any stage of this process

• More than 150 Chemical Security Inspectors are available for support across the country
Rather than define specific security measures, DHS developed 18 Risk-Based Performance Standards (RBPS).

Compliance with the RBPS will be tailored to fit each facility’s circumstances, including tier level, security issues, and physical and operating environments.
Chemical Security Inspectors

- Chemical Security Inspectors are located in all 50 States
  - More than 150 Chemical Security Inspectors
  - Organized into teams in each of the 10 Federal regions

- Conduct:
  - Authorization Inspections
  - Compliance Assistant Visits
  - Compliance Inspections
  - Stakeholder Outreach

- Chemical Security Inspectors also attend meetings with Federal, State, local, and private industry members
CFATS National Footprint

Number of Facilities, by Region

- 0-175
- 176-350
- 351-525
- 525-700
- 700+

Region 1
Region 2
Region 3
Region 4
Region 5
Region 6
Region 7
Region 8
Region 9
Region 10

- Hawaii (Region 9)
- Guam (Region 9)
- Puerto Rico (Region 2)
**Activities at CFATS Facilities**

As of January 08, 2018

CFATS covers 3,539 facilities

DHS continues to issue new high-risk tiering determinations as Top-Screens are submitted

**Since Inception of the Program**

- 4,031 Authorizations *
- 3,135 Authorization Inspections *
- 3,132 Compliance Inspections *
- 2,841 Approvals *

* “Since Inception of Program” statistics include facilities that were once tiered but no longer high-risk. Typical reasons include removal of a COI, reduction of COI quantity, replacement with lower concentration COI, and facility sale or closure.

All statistics are current as of January 08, 2018
# Submitting and Protecting Information

## Chemical Security Assessment Tool (CSAT)

CSAT is a set of online applications.

These include:

- User Registration
- Top-Screen
- Security Vulnerability Assessment/Site Security Plan
- Personnel Surety Program

## Chemical-terrorism Vulnerability Information (CVI)

CVI is the information protection category used to ensure secure handling of certain sensitive CFATS-related information.

To access CVI, an individual must have passed CVI training and have a need-to-know.
DHS released the enhanced tiering methodology and Chemical Security Assessment Tool (CSAT) 2.0 in Fall 2016.

The enhanced tiering methodology accounts for the relevant elements of risk: threat, vulnerability, and consequence.

CSAT 2.0 consist of a revised Top-Screen, Security Vulnerability Assessment, and SSP

- All facilities with chemicals of interest (COI) at or above screening threshold quantity (STQ) have to resubmit a new Top-Screen

DHS expects retiering to be completed in Fall 2018
Personnel Surety Program

- Personnel Surety includes vetting individuals with access to COI and other sensitive parts of high-risk chemical facilities
  - Risk-Based Performance Standard (RBPS) 12 requires certain types of background checks, including recurrent vetting against the Terrorist Screening Database

- DHS began implementation of the CFATS Personnel Surety Program in December 2015. Tier 1 and Tier 2 facilities have four ways to implement terrorist screening provisions:
  1. Direct vetting through DHS’s online tool
  2. Verifying credentials through DHS’s online tool
  3. Using an electronic credential reader, like a TWIC reader
  4. Visual verification of a credential

- More than 7,000 names are currently being vetted
What Should You Do Next?

1. Visit DHS.gov to access Appendix A
   www.dhs.gov/publication/cfats-coi-list

2. If your facility manufactures, stores, or distributes any of the chemicals of interest (COI) in Appendix A at or above the minimum concentrations and screening threshold quantities

3. Submit a Top-Screen
   https://csat-registration.dhs.gov/
Available Resources

**Outreach:** DHS outreach for CFATS is a continuous effort to educate stakeholders on the program.

- To request a CFATS presentation or a CAV, submit a request through the program website [www.dhs.gov/chemicalsecurity](http://www.dhs.gov/chemicalsecurity), or email DHS at CFATS@hq.dhs.gov

**CFATS Help Desk:** Direct questions about the CFATS program to the CFATS Help Desk.

- Hours of Operation are Mon. – Fri. 8:30 AM – 5:00 PM (ET)
- CFATS Help Desk toll-free number 1-866-323-2957
- CFATS Help Desk email address csat@dhs.gov

**CFATS Web Site:** For CFATS Frequently Asked Questions (FAQs), CVI training, and other useful CFATS-related information, please go to [www.dhs.gov/chemicalsecurity](http://www.dhs.gov/chemicalsecurity)
Security starts here.

connect  plan  train  report

For more information, visit www.dhs.gov/hometown-security
Program Status: Covered Facilities

<table>
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<tr>
<th>Tier</th>
<th>Currently Covered Facilities</th>
<th>Currently Authorized Facilities</th>
<th>Currently Approved Facilities</th>
<th>Currently Tiered Facilities (awaiting authorization and approval)</th>
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All statistics are current as of January 08, 2018
Agricultural Production Facilities Extension

- The extension applies to:
  - Farms (e.g., crop, fruit, nut, and vegetable)
  - Ranches and rangeland
  - Poultry, dairy, and equine facilities
  - Turf grass growers
  - Golf courses
  - Nurseries
  - Floricultural operations
  - Public and private parks

- DHS is considering whether a modification to the Top-Screen requirement for agricultural production facilities might be warranted

- In January 2008, DHS indefinitely extended the Top-Screen for farmers and other agricultural facilities that use chemicals of interest (COI) for certain agricultural purposes
Agricultural Production Facilities Extension

- The extension does **not** apply to chemical distribution facilities or commercial chemical application services.

- It applies only to agricultural production facilities that use COI *in preparation for the treatment of* crops, feed, land, livestock (including poultry) or other areas of an agricultural production facility or *during application to* or *treatment of* crops, feed, land, livestock (including poultry) or other areas of the facility.

- Therefore, if your facility possesses COI at or above the screening threshold quantity for any other purpose, your facility is **not** eligible to claim the CFATS Top-Screen extension and you must comply with the CFATS regulation by submitting a Top-Screen
What is an Authorization Inspection?

- Authorization Inspections are conducted at covered facilities to verify the facility content listed in the Site Security Plan (SSP) or Alternative Security Program (ASP) is accurate and that existing and planned measures satisfy the risk-based performance standards (RBPS).

- DHS sends the facility a Letter of Authorization through CSAT

- A Chemical Security Inspector will reach out to the facility to discuss:
  - A date and time for the inspection
  - The scope of the visit
  - The facility personnel required to be present
  - Required documents to be made available
  - Chemical-terrorism Vulnerability Information (CVI) considerations
  - Protective equipment and safety requirements
What is a Compliance Inspection?

- A Compliance Inspection (CI) is conducted as part of the recurring inspection process after a Letter of Approval has been issued to ensure the facility continues to implement its approved security plan.

- **Compliance Inspections are conducted:**
  - To ensure that both existing and planned security measures that are identified in the approved SSP or ASP continue to be implemented fully and on schedule.
  - To ensure that the equipment, processes, and procedures described in the SSP or ASP are appropriate and sufficient to meet the established risk-based performance standards.
  - To ensure that required corrective actions have been implemented and are sustainable.
  - To discuss other issues that have come up since the Letter of Approval.