

6 CFR Part 27

Section 550 of the DHS Appropriations Act of 2007 grants DHS the authority to regulate chemical facilities that “present high levels of security risk.” The Chemical Facility Anti-Terrorism Standards (CFATS) final rule, published in the Code of Federal Regulations on April 9, 2007, established a risk-based performance standard approach to screening and securing chemical facilities determined by DHS to be “high risk.” CFATS requires facilities that possess Chemicals of Interest (COI) at or above applicable screening threshold quantities (STQ) to complete Top-Screen questionnaires. After reviewing the Top-Screen, DHS assigns each facility that is initially determined to be high risk to a preliminary tier.

Each preliminarily high-risk facility is then required to submit a Security Vulnerability Assessment (SVA). Facilities still deemed high risk after DHS’ review of the SVA are notified of their final tier and required to complete a Site Security Plan (SSP) that meets the CFATS risk-based performance standards. CFATS allows some chemical facilities to submit Alternative Security Programs (ASPs) in lieu of the CFATS SVA, and all facilities may submit an ASP in lieu of an SSP. DHS Inspectors will visit each high-risk facility and verify the facility’s adherence with the SSP before final DHS approval.

Note that Section 550 of the DHS Appropriations Act of 2007 specifically exempts: 1) facilities regulated under the Maritime Transportation Security Act; 2) facilities owned or operated by the Department of Defense or Department of Energy; 3) facilities 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).

Questions?

For more information, contact
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The Role of Emergency Responders

in the Chemical Facility
Anti-Terrorism Standards

July 2010



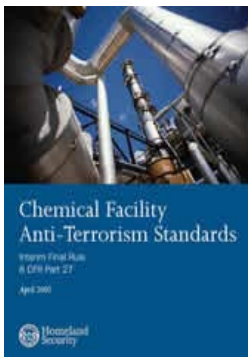
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What are the Chemical Facility Anti-Terrorism Standards?

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

Facilities subject to CFATS include:

- Chemical manufacturing
- Mining operations
- Storage and distribution
- Electronics
- Energy and utilities
- Agriculture and food
- Paints and coatings
- Healthcare
- Colleges and universities
- Pharmaceuticals
- Warehouses
- Repackaging facilities



What is the Role of Emergency Responders?

Collaboration between CFAT facilities and emergency responders is critical to ensuring a secure and resilient community.

Emergency responders play an important role as CFATS-covered facilities develop and implement their Site Security Plan. The site security plan is created in coordination with the emergency response community, adhering to DHS risk-based performance standards. Several risk-based performance standards may impact the emergency response community including:

- Detect, deter, delay
- Specific threats, vulnerabilities, or risks
- response
- Identifying security incidents
- Training
- Reporting security incidents



How is Chemical-Terrorism Vulnerability Information (CVI) Protected?

Chemical-terrorism Vulnerability Information (CVI) is a new category of information protection authorized by Congress for this regulation. The CVI protects information about CFATS-covered facilities and security operations. Although most information needed by emergency responders is not CVI, DHS anticipates that certain situations will arise where emergency responders and CFATS-covered facilities would need to share some CVI. In these instances, the emergency responder would need to complete the CVI training and DHS would make a determination on their 'need to know' prior to sharing the information.

For more information on CVI, contact the CFATS Helpline at 866-323-2957.

