



Emergency Management Issues Special Interest Group Annual Meeting

Chemical Facility Anti-Terrorism Standards (CFATS): Overview

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May 4, 2011

May 2-5, 2011 Charleston Marriott • Charleston, South Carolina



- What is CFATS?
- Process overview
- Exemptions
- Current status as of May 4, 2011

What is CFATS?

- On Oct.4 2006, the President signed Department of Homeland Security Appropriations Act of 2007
 - Provided DHS with the authority to regulate the security of high risk chemical facilities
 - Expired in 3 years (2010)

What is CFATS

- CFATS program requires high risk chemical facilities to complete:
 - Security vulnerability assessments
 - Develop site security plans
 - Implement protective measures to meet DHS standards
 - A guide is available from DHS for facilities to review performance standards

Process overview

- Facilities with chemicals of interest at or above screening threshold quantities must submit a Top Screen.
 - Chemicals of Interest include those chemicals from the list of lists with specific thresholds for different security events
 - Release, Theft or Sabotage
 - Located in Appendix A of the statute
 - 332 chemicals

Process Overview

1. Facilities perform a “Top Screen”

Used to screen out low risk and screen in high risk

2. DHS reviews and assigns a Tier rating (1-4)

Tier 1 is highest risk

3. Once Tier assigned, facility has 90 days to complete Security Vulnerability Analysis(SVA)

The SVA has detailed account of the chemical and vulnerability of the facility

Process Overview

4. DHS accepts SVA

SVA used to assign Final Tier Value

5. Site has 120 days to submit Site Security Plan (SSP)

18 areas covered in the SSP

6. Once SSP submitted, DHS issues preliminary authorization and schedules an inspection

Exemptions

- Port Security Facilities
- Public water systems
- Water treatment works facilities
- Any facility owned or operated by the Department of Defense and Energy
- Any facility subject to regulation by the Nuclear Regulatory Commission

Where is CFATS now?

- In 2009 HR 2868 removed DOE's exemption
- Passed the House on Nov 6, 2009
- Referred to Committee on Homeland Security and Governmental Affairs on Nov 19, 2009.
- HR 2868 died quietly in committee in 2010

Where is CFATS now?

- CFATS continued to be implemented with each continuing government resolution
- Three new bills Reauthorizing the Act
 - Two in House and one in Senate
 - *House Bill-H.R.901* specifically includes the DOE exemption and extends till Sept 2018
 - As of April 14, 2011, HR901 was forwarded by Subcommittee to Full Committee

Where is CFATS now?

- *House Bill- H.R.908* Full Implementation of the Chemical Facility Anti-Terrorism Standards Act and extends till Oct 4, 2017
- As of March 11, 2011, H.R. 908 referred to the Subcommittee on Environment and the Economy

Where is CFATS now?

- *Senate Bill S473* provides for voluntary technical assistance and training and extends till Oct. 2014
- As of March 3, 2011, referred to the Committee on Homeland Security and Governmental Affairs.

Where is CFATS now?

- “With respect to the other current statutory exemptions, the Department (DHS) supports:
 - Maintaining the exemptions for both Defense and Energy Department facilities. Although the Department of Energy is exempt from the current statute, DOE policy does require chemical sabotage assessments utilizing the select agents lists and the adoption of protection measure where necessary”
 - Randy Beers, **Under Secretary, National Protection and Programs Directorate, Department of Homeland Security**

- To follow H.R.901, H.R.908 and S473 go to Library of Congress Thomas website
 - <http://thomas.loc.gov/>
- Questions?