

## **ISEE Regulatory Alert - DHS Chemical Facility Anti-Terrorism Standards**

In October of last year President Bush signed the Chemical Facility Anti-Terrorism Standards. In April of this year, the Interim Final Rule for the Standards was published. That Rule went into effect on June 8, 2007 except for Appendix A (list of chemicals of concern), which is proposed only and has not yet been finalized. In the meantime the information parts of the rule are enforceable. Final Appendix A is due out in July.

Generally, the law is designed to address the security of chemical plants in the United States in order to protect the health and safety of the public; and, while Appendix A of the Rule has not yet been finalized, the information parts of the rule are enforceable – that is the Chemical-terrorism Vulnerability information (CVI).

Under the new law, the Department of Homeland Security now has the authority to regulate the security of “high-risk” chemical facilities, defined by DHS as *“any establishment that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined to be potentially dangerous or that meets other risk-related criteria identified by the Department.”*

The law requires facilities currently “possessing or planning to possess” specific quantities of chemicals as listed in Final Appendix A (a list of chemicals of concern) to REGISTER, and complete and submit a preliminary screening assessment (Top-Screen) to DHS which will determine the relative risk level.

Facilities determined by the Top-Screen to be “high risk” will need to perform site vulnerabilities assessments (SVA) that will be used to develop and implement site security plans (SSP) to prevent terrorist attacks.

### **ISEE recommends that all industry members read the following documents:**

- 1) [Chemical Facility Anti-Terrorism Standards](#), signed into law on October 4, 2006;
- 2) [The Interim Final Rule published on April 8, 2007](#); and
- 3) The Final version of Appendix A that is due to be released in the coming weeks.

### **Then determine if:**

- 1) You possess or will possess any “Chemicals of Interest” (Example: Ammonium Nitrate)
- 2) Those chemicals will exceed “screening threshold quantities” (Example: More than 2000 lbs of AN)

If so, then YOU MUST REGISTER with the Department of Homeland Security and submit a Top-Screen analysis. Note: you will have 60 days from June 8 to complete the top screen. You may fall into any one of four tiers based on risk. DHS then allows facilities to develop their own site security plan addressing security of perimeters, transportation, vehicles, and facilities against theft, diversion and misuse based on your own unique vulnerabilities (using 19 risk-based performance standards), subject to approval by DHS. The plan will incorporate inspections and audits for compliance.

There are severe civil penalties for non-compliance, which include fines up to \$25,000 per day and/or potential shutdown of your operations.

If your company stores more than 2,000 lbs of ammonium nitrate, or other specified quantities of listed chemicals of interest as described in the Final Appendix A, then you may be a regulated facility and this regulation will impact your business. Regulated facilities must register and have site security plans that address specified risk based performance standards.

### **Click on the following link to Register and to access DHS’s Chemical Security Assessment Tool (CSAT):**

[http://www.dhs.gov/xprevprot/programs/gc\\_1169503302924.shtm#0](http://www.dhs.gov/xprevprot/programs/gc_1169503302924.shtm#0)

**Do not wait for deadlines to file – Register Now !**  
**You must complete your top screen process within 60 days after June 8, 2007!**

A good article with more information about the impact of the Standards and the Final Interim Rule can be found at this site: <http://www.chemicalprocessing.com/articles/2007/095.html?page=print>