

Reducing the Risk of Dangerous Chemicals Getting into the Wrong Hands

The Department of Homeland Security (DHS) is working to enhance the security of facilities storing chemicals which could either be stolen or used on site by terrorists as weapons to inflict mass casualties and destruction of critical assets. DOH has identified security issues at these facilities including the potential for release, theft or diversion, and sabotage or contamination.

Since the signing of the Department of Homeland Security (DHS) Appropriations Act of 2007, DHS has the authority and funding to regulate security at facilities storing chemicals considered to be high risk (See P. L. 109-295, Section 550). The Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) Final Rule (6 CFR Part 27) was published in the *Federal Register* April 9, 2007. This Rule uses 19 Risk-Based Performance Standards (RBPS) designed to improve the security of facilities storing chemicals.

Fast-Paced Compliance Schedule to Complete Top Screen

On November 20, 2007, Appendix A: Chemicals of Interest (COI) was published in the *Federal Register*, identifying the specific chemicals and storage thresholds for these chemicals. The addition of Appendix A to the Rule triggered a fast-paced compliance schedule.

The initiating event is fairly straightforward. If a facility stores any of the chemicals listed in Appendix A, at the storage thresholds given, the facility will have 60 days to register each facility and complete an on-line survey called the Chemical Survey Assessment Tool (CSAT). Universities and colleges may request a 60-day extension.

The CSAT is also referred to as the Top Screen. The Top Screen asks for detailed information on the quantity, storage method and location of any COI which exceeds the given threshold.

The process of matching a facility's inventory to the COI seems simple, but ignores the challenges seen by businesses which aren't traditionally classified as large chemical handlers, such as universities and colleges, hospitals and other medical research facilities. Due to the nature of their operations and funding, purchasing is often conducted by researchers, rather than through a central site. As a result, these institutions don't always know which chemicals they have on site.

Who is Responsible for Compliance Activities?

The Department of Homeland Security's Chemical Security Task Force is reaching out to the top 50 large chemical handlers, to assist these companies in complying with CFATS. But DHS originally estimated 40,000 facilities will need to submit a Top Screen, and approximately 6,000 of those will be classified as high-risk.

Another concern is that many businesses which should comply with CFATS do not even know that the Rule exists. Thanks to professional organizations that focus on Environmental Health & Safety and large chemical handling companies, the word is gradually reaching its intended targets. And while security is the primary driver of the rule, EHS professionals seem to be tasked with leading compliance activities.

Identifying Security Vulnerability and Planning for Site Security

Once a facility submits its Top Screen, DHS will analyze the results and determine whether or not the facility will be categorized as high-risk. Each facility will be electronically notified of the results, and facilities deemed high-risk will be assigned a Tier (1 to 4, with 1 being the highest-risk). The owner or operator of facilities deemed high-risk will be provided with a list identifying which of the 19 RBPS they will need to address in a Security Vulnerability Assessment (SVA) of their site, due 90 days later. The final step for each facility will be to design and implement a Site Security Plan within 120 days, closing any gaps identified in the SVA.

With important issues such as creating a database of current chemicals, identifying funding for security improvements, and maintaining confidentiality while developing Site Security Plans in coordination with local public agencies, businesses need to begin the process now.

For a copy of the Rule, see the DHS Chemical Security website at www.dhs.gov/ChemicalSecurity

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