

# CFATS Update

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# CFATS Interim Final Rule

- Chemical Facility Anti-Terrorism Standards (CFATS) Interim Final Rule
- 6 CFR Part 27
- Published 4/9/07 in Federal Register
- [http://www.dhs.gov/xprevprot/laws/gc\\_1166796969417.shtm](http://www.dhs.gov/xprevprot/laws/gc_1166796969417.shtm)

# Exempt Facilities

- Maritime Transportation Security Act of 2002, Pub. L. 107-295;
- Public Water Systems, as defined by Section 1401 of the Safe Drinking Water Act, Pub. L. 93-523;
- Treatment Works as defined in Section 212 of the Federal Water Pollution Control Act, Pub. L. 92-500;
- Any facility owned or operated by the Department of Defense or the Department of Energy, or any facility subject to regulation by the Nuclear Regulatory Commission.

# Major Requirements

- Complete a Top Screen utilizing Chemical Security Assessment Tool (CSAT)
- Submit a Top Screen within 60 days of the effective date of Appendix A if a facility possess any listed chemicals above Screening Threshold Quantities (STQ)

# Major Requirements

- If DHS determines a facility to be High Risk, it will have to submit the following:
  - Security Vulnerability Assessment (SVA) within 90 days of written notification
  - Site Security Plan (SSP) within 120 days of written notification

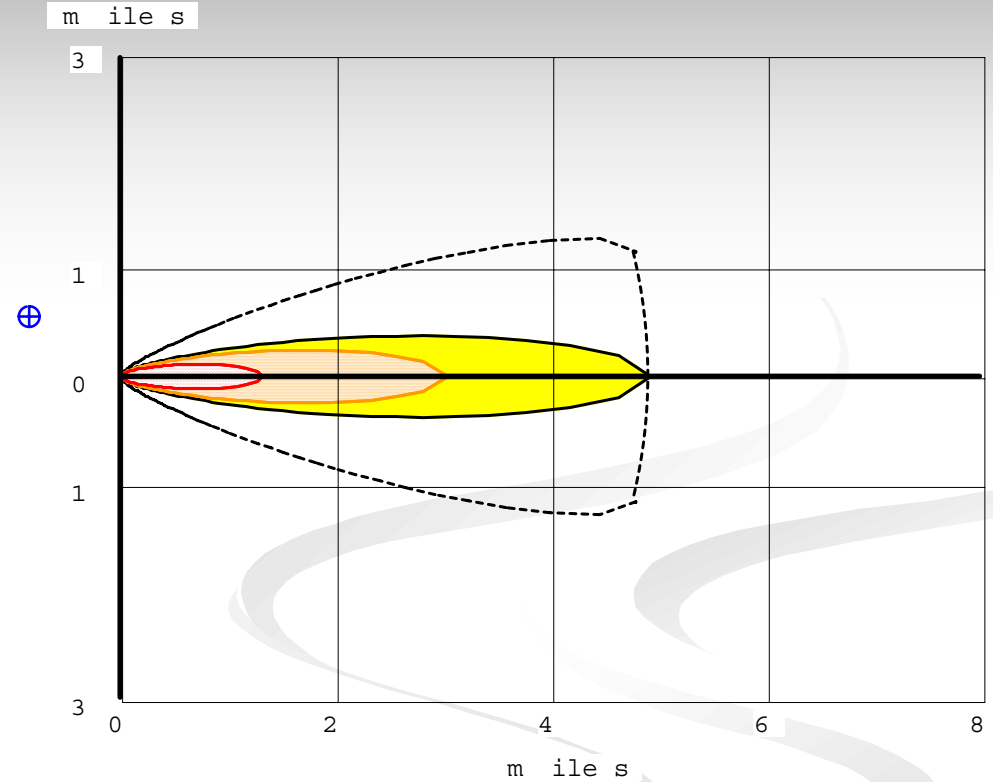
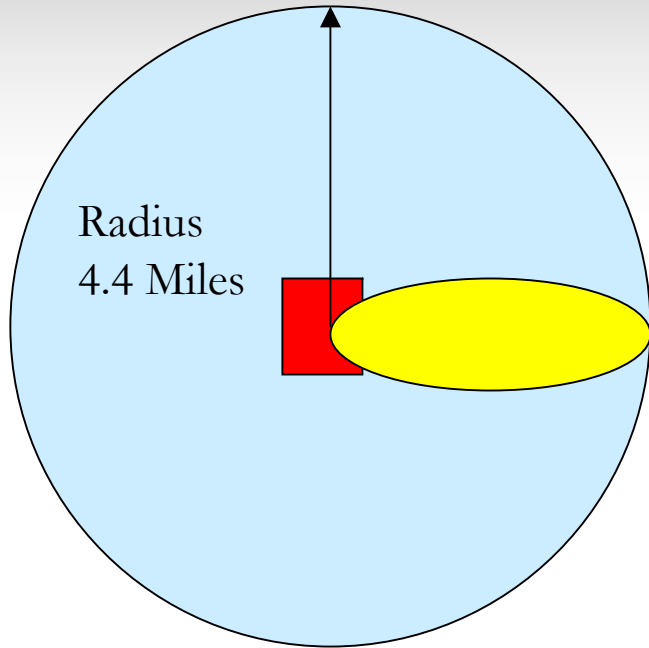
# Appendix A





- Appendix A to Part 27: Chemicals of Interest (COI) published 11/20/07 in Federal Register
- 326 substances on COI list
- Facilities possessing COI at or above STQ must submit a Top Screen within 60 calendar days from effective date (i.e., 1/19/08)

# Calculating STQ

- Many of the STQ follow DOT, EPA, or other regulatory thresholds with a few exceptions.
- DHS looks at the release from multiple tanks/containers. Therefore, facilities must calculate the aggregate amount for COI in a facility, not just the amount in a process.

# Understanding Consequences



-   $\geq 20$  ppm = A E G L -3 (60 m in)
-   $\geq 2$  ppm = A E G L -2 (60 m in)
-   $\geq 0.5$  ppm = A E G L -1 (60 m in)
-  C o n f i d e n c e L i n e s

# Security Issues

- Each COI must be evaluated independently against the three STQ categories:
  - Release
  - Theft or Diversion
  - Sabotage or Contamination

# Release STQ

- Toxics: EPA RMP criteria, except TDI is not included
  - Thresholds = 500 – 20,000 lbs
- Flammables: NFPA Class 1A criteria
  - Thresholds = 10,000 lbs
- Explosives: DOT Class 1, Division 1.1, except substances that use N.O.S. are not included
  - Thresholds = 5,000 lbs

# Release STQ

- Laboratory exemption is consistent with EPA definition, except activities conducted outside the lab (e.g., pilot plant or R&D outside the lab)
- Mixtures of Toxic or Flammable COI shall only be counted if the concentration is equal to or greater than 1% by weight
- Only A Commercial Grade (ACG) of explosives shall be counted

# Theft/Diversion STQ

- Chemical Weapons Conference (CWC) Schedule 1
  - Actual chemical weapon agents and immediate precursors
  - STQ = 100 grams cumulative of all Schedule 1
- CWC Schedule 2 and 3
  - Only those precursors that are “easily weaponizable”
  - STQ = 2.2 lbs and 220 lbs respectively

# Theft/Diversion STQ

- Chemicals capable of producing Weapons of Mass Effect: DOT Division 2.3 poisonous by inhalation gases in Hazard Zones A through C
  - STQ = 15, 45, or 500 lbs depending upon the toxicity of the substance
  - Minimum concentrations from Compressed Gas Association Standard for Classification of Toxic Gas Mixtures

# Theft/Diversions STQ

- Explosives/IED Precursors: National Research Council report and consultation with FBI Explosives Unit
  - STQ = 400 lbs for most
  - STQ for Aluminum Powder, Magnesium Powder, Nitrobenzene = 100 lbs
  - Minimum concentration = ACG for most
  - Hydrogen Peroxide (35%), Ammonium Nitrate (Nitrogen concentration 23%)

# Sabotage/Contamination STQ

- Water reactive materials which produce toxic gases from 2004 DOT Emergency Response Guide
  - STQ = A Placarded Amount (APA)
  - Minimum concentration = ACG

# Specialized Approach

- Propane STQ = 60,000 lbs for Release
- Chlorine STQ = 2,500 lbs for Release and 500 lbs for Theft
- Ammonium Nitrate STQ = 5,000 lbs for Release and 400 lbs for Theft

# Deletions from Proposal

- Acetone
- Urea
- Carbon Monoxide

# State Concerns

- Preemption of new State regulatory initiatives
- Focus solely on National High Risk facilities
- Federal rules should be a floor not a ceiling
- Lack of Federal resources to adequately implement the rules
- Information sharing limitations

# Contact Information

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# Questions

