

U.S. Department of Homeland Security (DHS) Chemical Facility Anti-Terrorism Standards (CFATS)

By Maureen Kotlas, CSP

On October 11, 2017, the APPA Standards and Codes Council (ASCC) presented a webinar on Chemical Facility Anti-Terrorism Standards (CFATS). The presentation was given by Maureen Kotlas, CSP, executive director, Department of Environmental Safety, Sustainability & Risk at the University of Maryland College Park. At the end of the presentation the presenter and attendees had a Q&A session.

Based on the session, the points listed below should give you important facts and allow you to decide if the chemical amounts stored at your facility need to be registered with DHS.

The webinar and presentation slides are available on the APPA website at http://www.appa.org/webinarseries/appa_monthly_webinars.cfm.




1. The Chemical Facility Anti-Terrorism Standards (CFATS), established by the Homeland Security Appropriations Act of 2007, provide authority to DHS to regulate high-risk chemical facilities. The regulation applies to universities and colleges. A facility is covered by the regulation if it possesses a Chemical of Interest (COI) in a regulated quantity (and concentration if in a mixture). The list of COI is found in 6 CFR Part 27, Appendix A (<https://www.dhs.gov/appendix-a-chemicals-interest-list>). The list of COI has not changed since 2007.
2. DHS has identified three risk categories of COI based on the potential for harm to human health from an intentional release, theft, or sabotage. The theft risk applies only if the COI is in compliant transportation packaging, since it is more portable and transportable. The sabotage risk applies only if the facility ships the COI. Some chemicals appear in more than one risk category.
3. CFATS requires a facility to complete the Chemical Security Assessment Tool (CSAT) questionnaire, or Top-Screen, if it possesses (or had possessed within the past 60 days) a COI in a quantity that meets the screening threshold quantity (STQ) in the applicable security risk category. The facility is not required to report the COI if the quantity is less than the STQ. DHS uses a risk methodology to assign one of four risk “tiers,” or it may determine that the facility is not a high risk. If assigned a risk tier, the facility is required to submit a security vulnerability assessment and a site security plan. Both are subject to approval and monitoring by DHS.
4. DHS has given chemical facilities the flexibil-

ity to define a facility boundary for assessing the chemical inventory, and for reporting COI if required. The facility may be one building or may be the entire campus. DHS does not accept individual laboratories, groupings of buildings, or sections within buildings as a facility.

5. If the institution possesses a COI that meets the STQ in just one building, it may be prudent to define the building as the facility in the Top-Screen. If the facility is placed in one of the risk tiers, the Security Vulnerability Assessment and Site Security Plan would be specific to that building rather than to the entire campus.
6. Laboratories that are under the supervision of a technically qualified individual have an exclusion from reporting COI in the release category. Stockrooms that are directly associated with a laboratory may also be excluded. Laboratories must still report COI in the theft and sabotage categories if the quantity meets the STQ. Nonlaboratory locations are subject to reporting COI in all risk categories.
7. As an example, nitric acid, found in many research laboratories, falls into two security risk categories: release and theft. Laboratories do not need to consider nitric acid in the release category but do need to consider it in the theft category and report if it is in compliant transportation packaging and the quantity in the facility meets the STQ (400 lbs.). If nitric acid is located in a nonlaboratory location such as a central receiving facility, it would be subject to reporting in the release category and in the theft category if the criteria were met.
8. Some COI are considered a sabotage risk if shipped. The designation of "A Placarded Amount" (APA) appears in Appendix A as an STQ in the sabotage category. This refers to the requirement for placarding in the Department of Transportation (DOT) Hazardous Materials regulations, 49 CFR Part 172, Subpart F.
9. Chemicals that require placards are listed in the DOT regulations in Table 1—Placard Any Quantity or Table 2—Placard at 1,001 lbs. aggregate gross weight. Assistance with the DOT Hazardous Materials regulations is available at Hazardous Materials Information Center | PHMSA
10. If the facility ships a COI that is a sabotage risk and is required by DOT to be placarded at any quantity, it must be reported through a

Top-Screen. If the facility ships a COI that is required to be placarded at 1,001 lbs. aggregate gross weight, but the shipment quantity is less than that amount, it would not have to be reported.

11. Solid wastes (including hazardous wastes) that are regulated under the Resource Conservation and Recovery Act (RCRA) are exempt from CFATS reporting except for P and U list wastes. These wastes are described in 40 CFR Part 261.33 as "discarded commercial chemical products, off-specification species, container residues, and spill residues thereof." The P and U lists are available at <https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes#PandU>.
12. If the facility ships (or has shipped in the past 60 days) a P or U list waste that is a COI sabotage risk, it must be reported if the quantity meets the placarding requirement of any quantity or 1,001 lbs. for that chemical. Since there is a 60-day lookback period, a facility would be required to report a COI that is no longer at the facility and is in transit or at a permanent disposal site.
13. DHS has contacted facilities recently to update information on existing Top-Screens. The use of new risk-tiering methodology may result in DHS making changes to the risk-tier category for some facilities. To update Top-Screens if quantities of COI change or to submit new Top-Screens, access the existing user account or register for a new account through the Chemical Security Assessment Tool (<https://www.dhs.gov/chemical-security-assessment-tool>). For questions or assistance, contact the CFATS Help Desk at 866-323-2957 or email csat@hq.dhs.gov. 

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