



**Homeland
Security**

Chemical Facility Anti-Terrorism Standards

The Department of Homeland Security regulates security at high-risk chemical facilities under the Chemical Facility Anti-Terrorism Standards (CFATS) program, 6 C.F.R. Part 27. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement security plans that meet applicable risk-based performance standards (RBPS). CFATS was created pursuant to Section 550 of the Homeland Security Appropriations Act of 2007 and Congress re-authorized and amended the program in 2014 through the CFATS Act of 2014 (6 U.S.C. § 621, et seq). Facilities that are required to comply with at least some provisions of the CFATS regulation will largely fall into the following categories:



- Chemical manufacturing, storage, and distribution
- Energy and utilities
- Agriculture and food
- Explosives
- Mining
- Electronics
- Plastics
- Universities and research
- Paint and coatings
- Healthcare and pharmaceuticals

What are the Chemical Facility Anti-Terrorism Standards?

CFATS is a risk-based performance program that sets the standards for security at the Nation's highest risk chemical facilities.

- DHS determines a facility's initial risk-profile by requiring facilities to complete a preliminary risk assessment, known as a Top Screen, if the facility is in possession of specific quantities of specific Chemicals of Interest (COI) that give rise to one or more security issues to include: release of toxic chemicals, theft or diversion of chemicals, and chemicals that can be used for sabotage or contamination.
- Facilities determined by DHS to be high-risk are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).

What are Chemicals of Interest?

Appendix A of the CFATS Interim Final Rule lists COI that give rise to one or more security issues, namely: release, theft/diversion, and sabotage/contamination. Under CFATS, if a facility possesses an Appendix A COI at or above the applicable Screening Threshold Quantity (STQ), the facility must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of the COI.

Risk-Based Tiering

The CFATS regulation follows a risk-based approach that allows DHS to focus its resources on high-risk

chemical facilities in accordance with their specific level of risk. DHS uses information submitted by facilities through the Top Screen and Security Vulnerability Assessment (SVA) processes to identify a facility's risk. After analyzing Top-Screen data from facilities, DHS will preliminarily assign high-risk facilities to one of four risk-based tiers. High-risk facilities will receive their final risk-based tiering assignments after DHS reviews their SVAs.

The Risk-Based Performance Standards (RBPS)

Section 2102 (a)(2)(C) (6 U.S.C. § 622(a)(2)(C)) requires DHS to establish risk-based performance standards to address high levels of security risk at covered chemical facilities.

CFATS establishes RBPS for security issues such as perimeter security, access control, personnel surety, and cyber security. However, not all high-risk facilities will need to take action to satisfy each RBPS. A facility's SSP will be tailored to its specific tier level, security issues, risks, and circumstances, as determined by DHS' review of its SVA.

Inspections Process

The Department inspects high-risk chemical facilities at regular intervals, with higher tiered facilities being inspected more frequently.

The Department may also inspect a high-risk facility at any time based on new information or security concerns. A minimum of 24 hours advance notice typically will be provided to facilities unless specific security concerns demand immediate attention.

The DHS staff who conduct inspections have completed a rigorous training program, incorporating both classroom and on-site facility instruction by experts in chemistry, emergency response, terrorism, and industrial security.

Compliance and Enforcement

The CFATS regulation provides that if DHS believes any facility is in violation of the regulation, the Department may issue an appropriate order to the facility specifying the violation and steps that must be taken to correct the noncompliance. Violation of such a compliance order may result in additional orders assessing civil penalties of up to \$25,000 per day or to cease operations.

DHS Compliance Assistance and Outreach

DHS has developed a variety of tools to facilitate compliance with CFATS:

- **The CSAT Help Desk** provides timely support to chemical facility owners and operators. It can be reached at 1-866-323-2957, or at csat@dhs.gov.
- To submit a confidential report to the Department regarding a potential CFATS violation, contact the **CFATS Chemical Facility Security Tip Line**, 877-394-4347 (877-FYI 4 DHS), or email CFATSTips@hq.dhs.gov.
- **The CFATS Knowledge Center** is an online repository of Frequently Asked Questions, articles, and documents relating to CFATS and Ammonium Nitrate Programs. It can be found by visiting <http://csat-help.dhs.gov/>.

Contact Information

For more information visit: <http://www.dhs.gov/critical-infrastructure>. For all questions or to ask a Department representative to speak on the CFATS regulatory program, please contact cfats@hq.dhs.gov.