Chemical Facility Anti-Terrorism Standards Program Progress

Since the inception of the Chemical Facility Anti-Terrorism Standards (CFATS) in 2007, the Department of Homeland Security (DHS), high-risk chemical facilities and their workers, industry associations, communities, emergency responders, and state and local governments have been working together to improve the on-site security protecting America’s highest-risk chemical facilities. Chemicals are vital to our national economy, and more than 40,000 facilities—ranging from oil refineries to microchip manufacturers to fisheries—have reported their holdings of potentially dangerous chemicals to DHS. More than 3,300 of those facilities have been deemed to be at high-risk of terrorist attack or exploitation and are currently covered under CFATS and are developing security plans to protect their chemical holdings. CFATS Quarterly is designed to help our stakeholders keep up-to-date with program progress and developments such as the CFATS Act of 2014.

CFATS Progress and Improvements

In December 2014, Congress, recognizing the significant forward progress of the CFATS program, granted long-term authorization to the program, providing facilities with the regulatory certainty that is critical to make CFATS-related capital investments. The Protecting and Securing of Chemical Facilities from Terrorist Attacks Act of 2014 (CFATS Act of 2014) authorized the CFATS program for four years while leaving most of the existing regulations in place.

In addition to granting the program long-term authorization, the CFATS Act of 2014 contains several new authorities and requirements, including an option for facilities in Tier 3 and Tier 4 to submit security plans through an expedited approval program (EAP). Participation in the expedited approval program is voluntary; for those interested in the program, the Department is developing a guidance document, which we expect to publish prior to the end of June 2015.

Increasing Pace of Authorization Inspections and SSP/ASP Approvals

As of April 27, the vast majority of facilities have reached the authorization stage of the process, the point at which DHS reaches out to schedule an authorization inspection. We expect that nearly all Site Security Plans (SSPs) and Alternative Security Programs (ASPs) that may be authorized will be by the end of September 2015. We’re conducting authorization inspections (AIs) at an unprecedented rate, with more than 2,250 AIs completed, and more than 1,700 SSPs and ASPs approved.

The heightened pace of inspections and approvals is a result of streamlining our processes and making tweaks that have, in many cases, been based on feedback we’ve received from industry stakeholders. Some initiatives include:

- Coordination with facilities prior to an inspection to improve the quality of time spent on-site;
- The CFATS corporate program, which allows companies with multiple facilities to coordinate the scheduling of inspections and submissions with a DHS corporate point of contact; and
- Improvements to the Chemical Security Assessment Tool system, such as making PDF
printouts of survey tools available; ensuring that Risk-Based Performance Standards stay validated when an SSP update is conducted; and pre-populating resubmitted Top-Screens with existing facility data.

As a result of the heightened pace of activities, DHS is quickly approaching our 2,000th SSP approval, and is on track to be through the backlog of submitted SSPs and ASPs by the end of next summer.

Maturing the CFATS Program and Rule

In 2013, DHS initiated a thorough review of the risk assessment process used to determine which facilities are a high risk. An external peer review of our tiering methodology was conducted, and DHS is working with a group of external experts to review our proposed changes and plan for implementing these improvements. A future issue of the CFATS Quarterly will delve deeper into what facilities can expect as DHS improves its tiering methodology.

DHS also continues to move forward with developing the next generation of CFATS regulations. After eight years of experience implementing the CFATS program, both the Department and the regulated community have gained first-hand insight into how a non-prescriptive security regulation can be most effective. The next opportunity for industry to engage in providing feedback to this process will likely be when we issue a Notice of Proposed Rulemaking, which is currently in development at the Department.

President’s Executive Order 13650: Improving Chemical Facility Safety and Security

Since the release of Executive Order (EO) 13650: Improving Chemical Facility Safety and Security on August 1, 2013, the Department of Homeland Security, the Department of Labor, the Environmental Protection Agency, the Department of Justice, the Department of Agriculture, and the Department of Transportation, as part of an interagency Working Group, established priority actions to address the mandates set by the President, with a focus on implementing findings based on lessons learned and feedback from industry, State and local governments, and community stakeholders across the nation. These actions are detailed in the Report to the President: Actions to Improve Chemical Facility Safety and Security – A Shared Commitment released on June 6, 2014.

The release of the report was a milestone, not an end point. The Chemical Facility Safety and Security Executive Committee is working to implement the action items that center around five themes: Strengthening Community Planning and Preparedness; Enhancing Federal Operational Coordination; Improving Data Management; Modernizing Policies and Regulations, and Incorporating Stakeholder Feedback and Developing Best Practices. The Interagency continues to make progress on the actions and is on schedule to complete the items that are due within one year of the Report to the President.

DHS is continuing to work with Federal, state, local, tribal, and territorial officials to identify and obtain chemical facility data sets, if available, to compare with the existing CFATS database. This activity builds on the work already conducted by DHS to crosswalk CFATS data with EPA Risk Management Program data and with the Bureau of Alcohol, Tobacco, Firearms and Explosives licensee and permittee data.

Additionally, the Interagency provided a forum for sharing success stories and best practices to reduce safety and security risks in the production and storage of potentially harmful chemicals. The online best practices forum, the Chemical Facility Safety and Security, uses the Chemical Facility Safety and Security Executive Order webpage at https://www.osha.gov/chemicalexecutiveorder. The webpage captures user-submitted best practices to include methods, techniques, processes, systems, policies, tactics, or approaches that result in successful, productive, safer, and more secure operations.

If you have any questions or comments regarding Executive Order 13650 or would like to read any of the reports associated with the EO, please visit https://www.osha.gov/chemicalexecutiveorder, or email EO.chemical@hq.dhs.gov.