

CEPP FEDERAL REGULATORY WORKSHOP:

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS (CFATS) UPDATES: WHAT'S NEW WITH CFATS?

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CFATS Updates: What's new with CFATS?

- CFATS Overview
- CFATS Updates- What's New?



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CFATS Overview

- CFATS promulgated in 2007
- Designed to regulate the highest risk chemical facilities from the security perspective
- Focused on preventing terrorist threats at these facilities
- Our Chemicals of Interest pose a threat of release to the community (through sabotage) or are precursors to explosive devices or WMD (through theft & diversion)
- If facilities possess our specific chemicals of interest (COI) at our Screening Threshold Quantity (STQ) then they must complete a Top Screen (TS). If Tiered, then SVA/SSP.
- Periodic inspections, repeat Top Screen as needed, Compliance Assistance as needed



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CFATS updates

- Current Stats
- Reauthorization
- COVID Modifications
- Potential Chemical Facilities of Interest
- Personnel Surety Program (PSP)
- Ammonium Nitrate
- Voluntary Program
- Chemical Security Summit



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Current Stats

- Current Stats: (as of 11/16/20)
 - **R8: 103 regulated facilities:**
 - Tier 1=2
 - Tier 2=2
 - Tier 3 = 47
 - Tier 4=52
 - **Colorado: 32**
 - Tier 1=0
 - Tier 2=1
 - Tier 3= 20
 - Tier 4= 11



Reauthorization

- CFATS officially reauthorized S.B 4148 for 3 years:
 - July 27, 2023

PUBLIC LAW 116-150—JULY 22, 2020

134 STAT. 679

Public Law 116-150
116th Congress

An Act

To extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

July 22, 2020
[S. 4148]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113-254; 6 U.S.C. 621 note) is amended by striking “July 23, 2020” and inserting “July 27, 2023”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 day after the date of enactment of this Act. 6 USC 621 note.

Approved July 22, 2020.



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Reauthorization partners

Chemical Sector partners to enhance security & resilience

Chemical Sector Coordination Council (SCC)

- [Agricultural Retailers Association](#)
- [American Chemistry Council](#)
- [American Coatings Association](#)
- [American Fuel and Petrochemical Manufacturers](#)
- [Compressed Gas Association](#)[Council of Producers & Distributors of Agrotechnology](#)
- [CropLife America](#)
- [Institute of Makers of Explosives](#)
- [International Institute of Ammonia Refrigeration](#)
- [International Liquid Terminals Association](#)
- [Louisiana Chemical Association](#)
- [National Association of Chemical Distributors](#)
- [Society of Chemical Manufacturers and Affiliates](#)
- [The Chlorine Institute](#)
- [The Fertilizer Institute](#)

Chemical Government Coordination Council (GCC)

- [U.S. Department of Commerce](#)
 - [Bureau of Industry and Security](#)
- [U.S. Department of Homeland Security](#)
 - [Office of Infrastructure Protection](#)
 - [Office of Cyber and Infrastructure Analysis](#)
 - [Science and Technology Directorate](#)
 - [United States Coast Guard](#)
- [U.S. Department of Justice](#)
 - [Federal Bureau of Investigation](#)
 - [Bureau of Alcohol, Tobacco, Firearms and Explosives](#)
- [U.S. Department of Transportation](#)
 - [Federal Motor Carrier Safety Administration](#)
 - [Federal Railroad Administration](#)
 - [Pipeline and Hazardous Materials Safety Administration](#)
- [U.S. Environmental Protection Agency](#)
 - [Office of Emergency Management](#)
 - [Water Security Division](#)



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Why is reauthorization important?

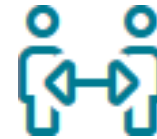
- Provide continuous risk management at our Tiered facilities
 - ✓ CFATS program & staff ensure better & consistent risk management
- The facility landscape is dynamic:
 - ✓ Facilities open
 - ✓ Facilities close
 - ✓ Facilities lower COI/COI STQ
 - ✓ Facilities add COI/COI STQ
 - ✓ Facilities change management/staff
- Allow OCS to modernize:
 - ✓ Update RBPS
 - ✓ Update inspection procedures
 - ✓ Update CSAT tool & resources



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COVID modifications

- COVID modifications: case by case
 - Limited onsite inspections within driving distance (with social distancing, PPE, hand sanitizer)
 - Virtual audits- for facilities out of driving range



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Potential Chemical Facilities of Interest

- Potential Chemical Facilities of Interest

- ❑ We are always looking for facilities that are covered by our regulation but have not yet reported to us
- ❑ During COVID- this work continues
 - ✓ Tier II databases
 - ✓ RMP databases
 - ✓ News reports of local spills
 - ✓ Federal partner agency sharing enforcement actions



Personnel Surety Program (PSP)

Personnel Surety Background Checks

Verify and Validate Identity

Check Criminal History

Validate Legal Authorization to Work in the U.S.

Identify People with Terrorist Ties

- Personnel Surety includes vetting individuals with access to COI and other sensitive parts of high-risk chemical facilities
 - **Risk-Based Performance Standard (RBPS) 12** requires background checks, including recurrent vetting against the *Terrorist Screening Database*

- Facilities have four ways to implement terrorist screening provisions:
 1. **Direct vetting through CISA's online tool**
 2. **Verifying credentials through CISA's online tool**
 3. **Using an electronic credential reader, like a TWIC reader**
 4. **Visual verification of a credential**
- **On July 9, 2019 CISA published a notice in the Federal Register Federal Register (84 FR 32768) that announced the implementation of the PSP at all covered chemical facilities—including Tier 3 and Tier 4 facilities**



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Ammonium Nitrate Security Program, (ANSP)

- Ammonium nitrate is a chemical that exists in multiple concentrations and physical forms.
 - It is principally used as an agricultural fertilizer,
 - In the manufacturing of first aid products (such as cold packs),
 - Explosives used in the mining and construction industries.
- In addition to its many legitimate uses, ammonium nitrate was the primary explosive used in the deadly Oklahoma City bombing in April 1995.



Ammonium Nitrate COI/CFATS

Appendix A Listings for Ammonium Nitrate

- Ammonium nitrate, with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance
 - DOT Classification Division 1.1D Explosive
- Ammonium nitrate, solid [nitrogen concentration of 23% nitrogen or greater]
 - DOT Classification Division 5.1 Oxidizer



Hazards of Ammonium Nitrate

Fertilizer Grade Ammonium Nitrate (FGAN)



- High-density Prill
- Division 5.1 Oxidizer

Technical (Explosive) Grade Ammonium Nitrate (TGAN)



- Low-density Prill
- Division 5.1 Oxidizer

Ammonium Nitrate

Stable under normal conditions

Minimal health hazards



Will react with combustible material

Oxidizer – supports combustion



ANSP, cont.

- FY 2008: The Ammonium Nitrate Security Program (ANSP) is the proposed regulatory program developed by the Cybersecurity and Infrastructure Security Agency (CISA) in response to a directive from Congress to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility ... to prevent the misappropriation or use of ammonium nitrate in an act of terrorism."
 - Notice of Proposed Rulemaking August 3, 2011
 - July 2012 DHS contracts Sandia National Labs to study AN
 - **Update:** On June 3, 2019, the CISA published a notice of availability of the Sandia National Laboratory's (SNL) Redacted Ammonium Nitrate Security Program Technical Assessments Report in the [Federal Register \(84 FR 25495\)](#) in connection with the proposed rule entitled "Ammonium Nitrate Security Program." The report details the feasibility of weaponizing commercially available Ammonium Nitrate.



ANSP, cont.

- The ANSP Notice of Proposed Rulemaking (NPRM) seeks to reduce the likelihood of a terrorist attack involving ammonium nitrate by:
 - Creating a registration program for purchasers and sellers of ammonium nitrate.
 - Regulating transactions involving the sale or transfer of ammonium nitrate at the point of sale.
 - Establishing procedures for reporting a theft or loss of ammonium nitrate.
 - Requiring businesses to keep records of all ammonium nitrate transactions for two years.



ANSP- renewed interest

- Beirut Explosion

- August 4, 2020-large amount of ammonium nitrate stored at the port of the city of Beirut, Lebanon, exploded, causing at least 200 deaths, 3 missing, 6,500 injuries, US\$10–15 billion in property damage, and leaving an estimated 300,000 people homeless. Explosion preceded by a fire; AN stored in a warehouse w/o proper safety measures. The exact cause of the detonation is still under investigation



Beirut Lebanon Aug 4 2020



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Voluntary Program

- **DISCLAIMER:** The Voluntary Program is under development- components of the program may change dramatically as it goes through the review process which will include internal & external stakeholders, legal, etc.



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Voluntary Program

- Roots of the effort:
 - January of 2020 OCS received \$10 million for voluntary activities
 - Considerations:
 - What is the future of the chemical security mission expanding beyond regulatory activities?
 - What stakeholders should we target?
 - Facilities that filed a TS but did not Tier in (~ 43,000)
 - Facilities that are exempted but pose a significant risk due to their chemical holdings
 - How can we motivate & facilitate facility security improvements in a voluntary program?
 - How can we leverage our expertise and resources to address this issue?
 - Can we incentivize good security through voluntary certification?



Voluntary Program

Five Work Groups

1. Chemical Security Expert Assistance & On-Site Services
2. Best Practices, Guidance, and Tools
3. Chemical Security Exercises
4. Chemical Threat Awareness and Security Training
5. CISA Security Services Amplification

The incentivization aspect of the program is being addressed separately, as part of the program's long-term development.



WG1 Activities

Chemical Security Expert Assistance & On-Site Services

- Conceptualizing Non-Regulatory Chemical Security On-Site Services
 - Initial concept focused on conducting vulnerability assessment and security planning assistance
 - Adapted from the practices/processes of the CFATS regulatory activities
- Key Points
 - Long-term effort – expect pilot in FY 21
 - Projected to require Paperwork Reduction Act, IT Changes, numerous policy decisions



WG2 Activities & Milestones

Best Practices, Guidance, and Tools

- FY20-21 Products
 1. **Secure Your Chemicals** Guidance and Security Plan Template
 2. **Emergency Preparedness** Toolkit
 3. **Chemical Security Before, During and After a Pandemic** Guide ***PUBLISHED***
 - <https://www.cisa.gov/publication/secure-chemicals-pandemic>
 4. **Chemical Security Against Unmanned Aerial Systems** Resource Guide
 5. **Suspicious Activity Reporting** Deskside Contact Sheet



WG3 Activities & Milestones

Chemical Security Exercises

- Leveraging CISA Exercises, with feedback from the Chem SSA
- Projects in development:
 - Multiple downloadable + customizable TTX exercises for facilities (8 currently under review)
 - Chemical security games package
- Long Term activities
 - Conducting TTX for multiple facilities/corporations across the country
 - Planning/Designing a “GridEx” style exercise for the Chemical Sector



WG4 Activities & Milestones

Chemical Threat Awareness and Security Training

FY 20-21 Activities:

- Gap analysis of stakeholder training resources (completed)
- Chemical Threat Awareness Workshop/Training development
- “How to Develop a Security Plan” Training development

Long-Term

- Conducting and contributing to in-person workshops & virtual trainings
- Training related to voluntary program products, best practices, and on-site visits
- Ongoing gap analysis and identification of stakeholder training needs



WG5 Activities & Milestones

CISA Security Services Amplification

- Providing access to chemical security stakeholders who might not be by CISA priorities
- Serving as a loss-leader to generate interest in chemical security activities
- Initial services being piloted in FY 20-21
 - Active Shooter (piloted to 10 facilities via webinar)
 - CyberSecurity Evaluation Tool (CSET)



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2020 Chemical Security Summit



- CISA will be hosting three virtual **Chemical Security Seminars** on consecutive Wednesdays on:
 - December 2, 9, and 16, 2020
 - From 9 am to 12:30 pm MT
- Agenda and registration details are located on the [Chemical Security Summit webpage](#).
- Registration and agenda are posted!



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2020 Chemical Security Summit Topics

- The state of chemical security—Updates for the [Chemical Facility Anti-Terrorism Standards \(CFATS\) program](#) and ongoing nonregulatory chemical security efforts
- A demo of the [CFATS Personnel Surety Program](#) application
- A deep dive into the 18 CFATS [Risk-Based Performance Standards \(RBPS\)](#) and best practices
- A chemical threat briefing
- Managing chemical security during natural disasters: hurricanes, wildfires, floods, and pandemics
- Challenges encountered with chemical security during the COVID-19 pandemic
- Growing a global culture of chemical security
- The convergence of cyber and physical security



Questions?

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