



Increase in Chemical Security Vulnerability Assessments Likely Under New DHS Standards

08.08.2017

The Department of Homeland Security (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program identifies and regulates high-risk chemical facilities to ensure that security measures are in place to reduce the risk of misappropriation or misuse of chemicals by terrorists. The CFATS regulatory program uses a risk-assessment methodology to identify high-risk chemical facilities. DHS determines risk profiles by requiring facilities that have specific threshold quantities of chemicals of interest to complete a questionnaire, known as a Top-Screen Analysis, regarding their chemical holdings. Facilities determined to be high-risk must submit a Security Vulnerability Assessment and Site Security Plan or Alternative Security Program to DHS for approval. The plan must include security measures that meet the risk-based performance standards established by DHS.

The Department performs an authorization inspection at high-risk facilities prior to granting approval of a Site Security Plan. Once the facility's plan is approved, DHS conducts regular compliance inspections to verify that the facility is implementing the agreed-upon security measures.

Because of recent revisions to the Top Screen Analysis, more than 17,000 chemical facilities may be required to complete a new TSA. This will undoubtedly result in some of them having to prepare or update a Security Vulnerability Analysis and Site Security Plan, tasks that can be very costly. DHS began sending notices to chemical facilities throughout the nation on a rolling basis in April 2017 indicating that the new enhanced risk assessment methodology must now be used. "Some facilities...previously not covered under CFATS will find themselves covered, and some currently covered facilities may no longer be considered high risk," the DHS CFATS website reports.

The CFATS program is one of those reporting and recordkeeping requirements that EHS professionals must add to their chemical management plans. One way for facilities to avoid the program is to either substitute another chemical for the COI and/or decrease the quantity of COI held so that it is below the threshold quantity at which the program applies. The CFATS program website provides webtools to assist with the new TSA and can be found at <https://csat-help.dhs.gov>.

Related People

- Ethan R. Ware – 803.567.4610 – eware@williamsmullen.com

Related Services

- Environment & Natural Resources