



How to Comply with the **Chemical Facility Anti-Terrorism Standards** (CFATS)

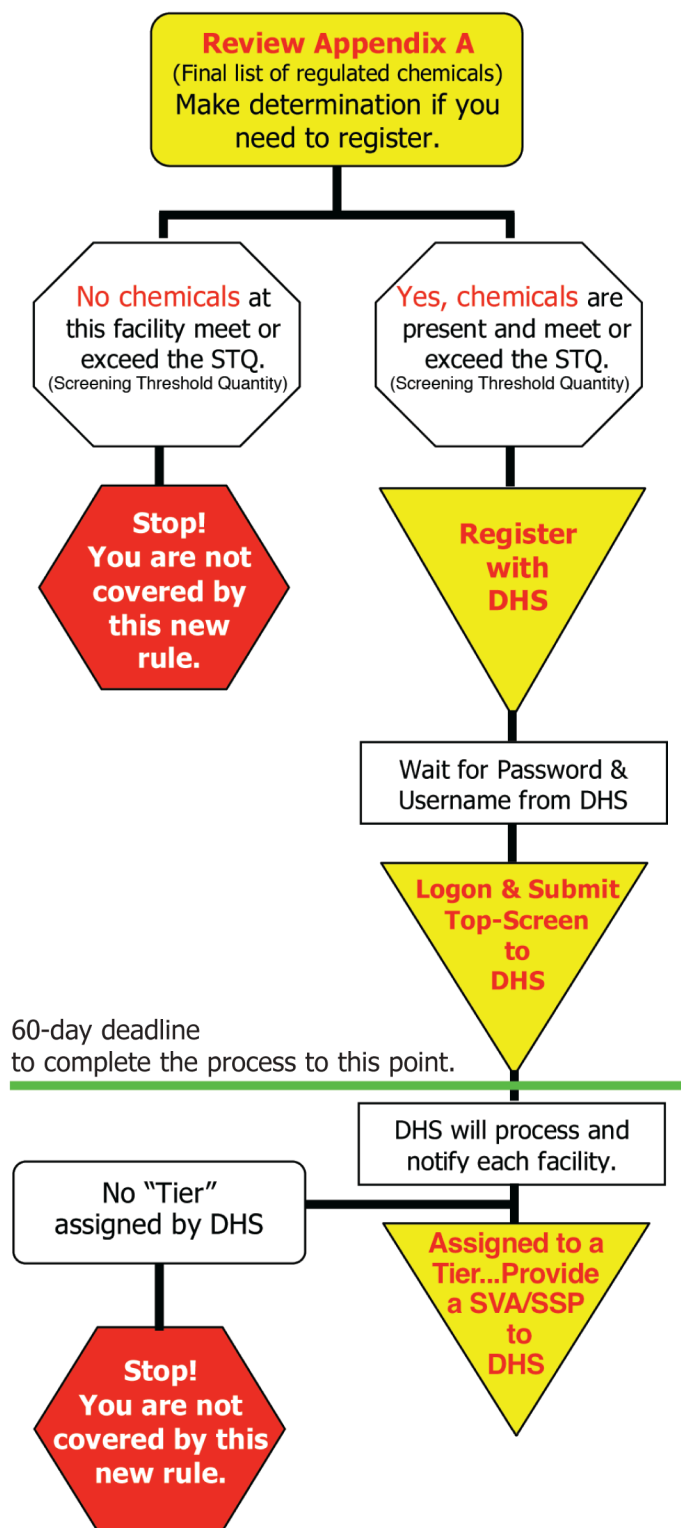
2016 Special Report

The CFATS program identifies and regulates high-risk chemical facilities to ensure they have security measures in place to reduce the risks associated with these chemicals. Initially authorized by Congress in 2007, the program uses a dynamic multi-tiered risk assessment process and requires facilities identified as high-risk to meet and maintain performance-based security standards appropriate to the facilities and the risks they pose. DHS chemical security inspectors work in all 50 states to help ensure facilities have security measures in place to meet CFATS requirements. On December 18, 2014, the President signed into law the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014* ("the CFATS Act of 2014"), which recodifies and reauthorizes the CFATS program for four years. This special report has been developed to assist agricultural retailers in their effort to comply with CFATS in an efficient and timely manner.

Notice: Important & Time-Sensitive

Within 60 days of coming into possession of a Chemical of Interest (COI), each chemical facility in the United States is required to complete the process shown in the following diagram.

Quick Overview of the Process



Don't delay!

After you are registered in the CSAT system, the system gives you 60 calendar days to complete and submit the Top-Screen.

How to Comply

Tips for a better understanding.

Basic information on CFATS:

- The list of regulated chemicals is Appendix A.
- CFATS initially applies to each physical location.
- Start early! If it is determined that you must register, please remember it can take up to 30 days to receive your username and password from DHS. The Top-Screen cannot be accessed until the DHS login information is received.
- Facilities regulated under MTSA are exempt from the CFATS requirements.
- Your correspondence with DHS will be via their web site: www.dhs.gov/chemical-security-assessment-tool
- CFATS works very much like a process of elimination, focusing the efforts of DHS on the chemical facilities with the highest risks.
- As of September 1, 2016, more than 52,000 preliminary assessments were reviewed by DHS and 2,962 facilities are covered by CFATS.

Step 1: Review Appendix A

Included with this Special Report, is the final copy of Appendix A: DHS Chemicals of Interest. The list has been imprinted with the date DHS published it in the Federal Register. Chemical facilities have 60 calendar days from this date to complete Steps 1-3.

CFATS requires any facility that possesses or plans to possess any of the chemicals listed in Appendix A, at or above the STQ, to register with DHS and submit a Top-Screen assessment.

Failure to complete a Top-Screen within the 60-day timeframe may result in civil penalties, a DHS audit and inspection, or an order to cease operations.

To complete this step properly, you will need:

- facility inventory
- any plans or projected additions to inventory
- Safety Data Sheets (SDS)
- cross-reference between chemicals, CAS numbers and trade names (*i.e. Farm Chemicals Handbook*)
- any other reference or guide specific to your facility, inventory or plans

Step 1: Review Appendix A (continued)

Upon completion of your review of Appendix A, make a determination:

- this facility does not possess or plan to possess any of the chemicals listed in Appendix A, at or above the Screening Threshold Quantity.

Action: Document your review of Appendix A and no further action is required. Within 60 days of coming into possession of any chemical listed in Appendix A, at or above the STQ, the facility must be registered with DHS and submit a Top-Screen.

- this facility does possess or plan to possess one or more chemicals listed in Appendix A, at or above the Screening Threshold Quantity.

Action: Proceed to Step 2.

Step 2: Register with DHS

Registration with DHS is performed on their website and involves a combination submission of electronic data and a paper certification. Users should familiarize themselves thoroughly with the requirements before registering by downloading the CSAT User Registration User Guide and review it prior to registering.

The following information for each facility is required:

- Name of Facility
- Street Address
- City, State, Zip Code and County
- Latitude and Longitude (Can be found in your RMP or via the online TerraServer program built into CSAT)

In completing the user access request form, your facility must designate a Preparer, a Lead Preparer, a Submitter and an Authorizer. Companies may also designate a Reviewer to review facility information.

Warning: *The data you enter determines who receives the correspondence, who has access, roles of authority and can make future administration difficult. Read the following until you have a thorough understanding.*

The **Preparer** is authorized to enter the required data into the Top-Screen, but is not authorized to formally submit the data on the company's behalf. *(Should be a qualified individual familiar with the facility.)*

The **Lead Preparer** is the only preparer who can designate the survey as ready for review by the Submitter. *(Can be the same individual as the Submitter or Authorizer.)*

The **Submitter** is the individual certified by the facility to formally submit the required data to DHS. The Submitter must be authorized and domiciled in the U.S. *(To gain user access, each Preparer and each Submitter require the signature of an "Authorizer.")*

Step 2: Register with DHS (continued)

The **Authorizer** is empowered by the management of the facility to provide assurance that the user account request for the Preparer and Submitter is valid. The Preparer, Submitter and Authorizer can be the same person or separate individuals. Some facilities may designate that the Preparer and Submitter be the same individual. Larger facilities or companies with complex organizational structures may wish to consolidate a significant number of facility submissions through a single or a few Submitters. *(Authorizers will not be granted edit privileges unless they are also designated as Preparers or Submitters.)*

Use of a **Reviewer** is optional and does not have edit or approval privileges, and must be invited by a user from within the Top-Screen.

To register:

Go to: <http://www.dhs.gov/chemical-security-assessment-tool>

Click on: Register to Access CSAT

Click on: Register on the CSAT website

Print the completed user registration form and collect the signatures of each Preparer, Submitter, and Authorizer named on the form. Mail or fax the completed form to:

Infrastructure Security Compliance Division
ATTN: CSAT User Registration
Department of Homeland Security
Building 5300, MS 6282
P.O. Box 2008
Oak Ridge, TN 37831-6282
FAX: (866) 731-2728

Keep a copy of this form for your records!

Once the signed user registration form is received, DHS will create user access accounts and issue usernames and passwords in two separate E-mail notifications to each Preparer and Submitter on record.

CSAT Helpline: 866-323-2957
(8:30 am to 5:00 pm Eastern Time, Monday-Friday)

Protecting CVI Information

Information developed in the Top-Screen process is considered Chemical-terrorism Vulnerability Information (CVI). Accordingly, users must protect the information and any documents in accordance with the regulation. We recommend you download the CVI Procedures Manual and review it prior to submitting a Top-Screen.

Step 3: Submit the Top-Screen

DHS developed the Top-Screen to identify facilities that meet DHS's criteria for high risk chemical facilities. We recommend you download the [CSAT Top-Screen Instructions](#) and review them prior to attempting to submit the Top-Screen for your facility. This document lists all the questions and relative guidance to assist chemical facility owners and operators in assembling the information needed to complete the Top-Screen process.

It is **extremely important** Top-Screen users completely understand the questions **before submitting**. It is very possible that a facility could incorrectly be assigned to one of the 4 high-risk Tiers, based upon an answer to a question not fully understood by the facility personnel.

Especially important are the definitions to the following terms or phrases encountered in the Top-Screen:

- Improvised Explosive Device (IED)
- Weapon of Mass Effect (WME)
- Chemical Weapon/Chem Weapon Precursor (CW/CWP)

Please refer to the [CSAT Top-Screen Instructions](#) for detailed information on these terms or phrases.

To Submit Your Top-Screen:

Go to: <https://www.dhs.gov/csat-top-screen>

Click on: Top-Screen

Cut & Paste: Using the two E-mail notifications received from DHS, "copy" the link (*i.e.* www.csat.dhs.gov/csat) and "paste" it into your web browser.

Tip: Navigation within the Top-Screen tool must be done using the Next and Back buttons on the DHS screen. Do not use the buttons on your browser, as it will not save your information.

After receiving the Top-Screen survey, DHS will make a determination whether the facility is or is not high-risk. The Authorizer and Submitter will receive an email notification that a new letter, with the results, is ready for their review and acknowledgment in the CSAT system.

If your facility is found to be high-risk, you will be notified by the CSAT system to submit a Security Vulnerability Assessment (SVA)/Site Security Plan (SSP) through the CSAT system within 120 calendar days of the high-risk notification. If you have previously submitted an SVA/SSP, you may be required to review and revise your SVA/SSP, if appropriate.

List of Acronyms

CFATS	- Chemical Facility Anti-Terrorism Standards
COI	- Chemical of Interest
CSAT	- Chemical Security Assessment Tool
CVI	- Chemical-Terrorism Vulnerability Information
DHS	- Department of Homeland Security
MTSA	- Maritime Transportation Security Act
SSP	- Site Security Plan
STQ	- Screening Threshold Quantity
SVA	- Security Vulnerability Assessment

Definitions

Chemical Facility means any establishment that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined by DHS to be potentially dangerous or that meets other risk-related criteria identified by DHS. The term chemical facility shall also refer to the owner or operator of the chemical facility. Where multiple owners and/or operators function within a common infrastructure or within a single fenced area, DHS may determine that such owners and/or operators constitute a single chemical facility or multiple chemical facilities depending on the circumstances.

Chemical Security Assessment Tool (CSAT) means a suite of four applications, including Registration, Top-Screen, Security Vulnerability Assessment and Site Security Plan, through which DHS will collect and analyze key data from chemical facilities.

Definitions

Chemical-terrorism Vulnerability Information (CVI) means all the information listed in Sec. 27.400(b) (CFATS), including but not limited to, Top-Screen results, Security Vulnerability Assessments, Site Security Plans and any related documents.

Covered Facility means a chemical facility determined by DHS to present high levels of security risk, or a facility that DHS determined is presumptively high risk under Sec. 27.200. (CFATS)

High Risk refers to a chemical facility that, in the discretion of DHS, presents a high risk of significant adverse consequences for human life or health, national security and/or critical economic assets if subjected to terrorist attack, compromise, infiltration or exploitation.

Operator means a person who has responsibility for the daily operations of a facility or facilities.

Owner means the person or entity that owns any facility.

Screening Threshold Quantity (STQ) means the quantity of a chemical of interest, upon which the facility's obligation to complete and submit the Top-Screen is based.

Terrorist Attack means any incident or attempt that constitutes terrorism or terrorist activity, including any incident that involves sabotage of chemical facilities or theft, misappropriation or misuse of a dangerous quantity of chemicals.

Tier means the risk level associated with a covered chemical facility and which is assigned to a facility by DHS. There are four risk-based tiers, ranging from highest risk at Tier 1 to lowest risk at Tier 4.

Top-Screen means an initial screening process through which chemical facilities will provide information to DHS for use in determining security risk.



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