



In October 2006, Congress passed Section 550 of the DHS Appropriations Act of 2007, Pub. L. 109-295, authorizing and requiring the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines, in its discretion, are high-risk. To implement this authority, DHS issued the Chemical Facility Anti-Terrorism Standards regulation (CFATS) in 2007. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet applicable risk-based performance standards (RBPS).

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
- Paints and Coatings
- Explosives
- Mining
- Electronics
- Plastics
- Universities and Research Institutions
- 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.

- High-risk facilities contain 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.
- CFATS-covered facilities are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).

## What are Chemicals of Interest?

Appendix A to the CFATS Interim Final Rule contains DHS's COI that give rise to one or more security issues, namely: release, theft/diversion, and sabotage/contamination. Under the CFATS rule, 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

Consistent with Section 550, 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. First, DHS will examine facility information submitted through the Top-Screen. 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 550 directed the Department to issue regulations “establishing risk-based performance standards for the security of high-risk chemical facilities.”

CFATS establishes Risk-Based Performance Standards (RBPSs) 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 will inspect high-risk chemical facilities at regular intervals with higher tiered facilities being inspected first and 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 will 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 \$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 as well as a CFATS tip-line for anonymous chemical facility security reporting. It can be reached at 1-866-323-2957, or at [csat@dhs.gov](mailto:csat@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/>.
- **Chemical Security Inspectors and other DHS subject matter experts** are available to provide guidance to facilities through outreach meetings, calls, and other engagements.

## Contact Information

For more information visit: <http://www.dhs.gov/critical-infrastructure>. To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please contact [cfats@hq.dhs.gov](mailto:cfats@hq.dhs.gov).