



**Homeland
Security**

CFATS Personnel Surety Program August 2015 Update

Chemical Facility Anti-Terrorism Standards (CFATS) is a risk-based regulatory program that sets the standards for security at the Nation's high-risk chemical facilities. Personnel surety, vetting facility personnel and unescorted visitors who have or are seeking access to restricted areas and critical assets at high-risk chemical facilities, is a key aspect of facility security.

Under Risk-Based Performance Standard 12 – Personnel Surety, facilities are required to perform four types of background checks on facility personnel and unescorted visitors with or seeking access to restricted areas and critical assets at high-risk chemical facilities. These checks include:

- i) Measures designed to verify and validate identity;
- ii) Measures designed to check criminal history;
- iii) Measures designed to verify and validate legal authorization to work; and
- iv) Measures designed to identify people with terrorist ties.

The Office of Management and Budget has approved the CFATS Personnel Surety Program Information Collection Request for Facilities in Tiers 1 and 2

On August 27, 2015, the Office of Management and Budget (OMB) approved the Department of Homeland Security's (the Department or DHS) Information Collection Request (ICR) for the CFATS Personnel Surety Program. High-risk facilities have already implemented hundreds of security measures related to vetting for identity, criminal history checks, and legal authorization to work. This approval applies to the remaining aspect of the Personnel Surety Risk-Based Performance Standard: screening individuals for terrorist ties. The Department has benefited from extensive dialogue and contributions from stakeholders and Congress in the development of the CFATS Personnel Surety Program.

Approval of the ICR is an important step toward full implementation of the CFATS Program

Approval of the CFATS Personnel Surety Program ICR is an important step towards filling the remaining gap in the full implementation of the CFATS program, ensuring that facility personnel and unescorted visitors that have or are seeking access to restricted areas and critical assets at high-risk chemical facilities are vetted for terrorist ties.

The recently approved ICR applies to high-risk facilities in Tier 1 and Tier 2 for three years; the Department intends to seek approval to collect information from Tier 3 and Tier 4 facilities in a future ICR. In the near future, DHS will roll out the program to facilities in a phased manner. After an Implementation Notice is published in the *Federal Register*, CFATS personnel will work directly with individual chemical facilities in Tiers 1 and 2 to supplement their security plans to include terrorist screening-related measures.

Frequently Asked Questions

What do I need to do to comply with the CFATS Personnel Surety Program requirements that are in effect now that the ICR has been approved?

In the near future, the Department will be issuing an Implementation Notice in the *Federal Register* that details the various options for compliance. **DHS is rolling out the CFATS Personnel Surety Program in a phased manner. Facilities should wait to be contacted by the Department before altering their Site Security Plan (SSP) / Alternate Security Plan (ASP) or attempting to submit any information for vetting.** Initially, the Department will be contacting Tier 1 and 2 facilities on an individual basis and walking them through the SSP Supplement update and information submission process.

How will DHS be notifying me of when/if I need to submit information for vetting for terrorist ties?

If you are a Tier 1 or Tier 2 facility, you will be notified individually via CSAT that the Department is expecting a supplement to your approved SSP to account for Risk-Based Performance Standard (RBPS)-12(iv) (terrorist-ties). Initially, DHS will be working with certain facilities to complete this requirement during compliance inspections (CIs). If you have not been notified that the CFATS Personnel Surety Program will be covered during your CI, please feel free to discuss this with the chemical security inspector who is scheduling your inspection.

How long will I have to implement the CFATS Personnel Surety Program provisions of my SSP/ASP?

Once we have contacted you, the Department will expect that, unless otherwise noted in an approved SSP or ASP, the terrorist ties check will be completed within 60 days of approval. You may also suggest alternative schedules based on the unique circumstances in your facility's SSP/ASP.

What is an ICR and why is this approval important to the CFATS program?

The Paperwork Reduction Act requires every Federal agency to obtain approval from OMB before collecting information from 10 or more members of the public. Typically, this process includes the opportunity for public comment on the agency's proposed processes and information being collected.

ICR approval is a vital component of implementing the terrorist-screening procedures that are part of the CFATS program. Approval of the ICR authorizes the Department to move forward with collecting information from high-risk chemical facilities to check facility personnel and unescorted visitors with or seeking access to restricted areas and critical assets for terrorist ties.

Where can I find comments submitted from the public on the ICR?

Responses to comments received during the 30-day notice and comment period are all posted publicly at the [Regulations.gov Website](http://www.regulations.gov) under "Supporting & Related Material" in docket number DHS-2012-0061.

Contact Information

If you have questions or would like additional information, please contact CFATS@hq.dhs.gov.