



**FAQ Number:** 1275

**Date Published:** September 09, 2015 **Last Updated:** May 11, 2016

**Question:** What needs to be done when a facility is bought or sold?

**Answer:** DHS provides two options when a facility is bought or sold.

**Option 1:** The buyer may assume the facility ID and the submitted surveys of the previous owner. This option is possible under the following conditions:

- There are no substantive changes to the chemical(s) of interest (COI) holdings or processes at the facility.
- There are no changes to the facility that would affect the overall security posture of the facility or its vulnerabilities.
- The seller agrees to allow the buyer to take ownership of their regulatory documentation (i.e., previously submitted Top Screen, Security Vulnerability Assessment (SVA), Site Security Plan (SSP), and/or Alternative Security Program (ASP), as applicable).
- The buyer agrees that because no substantive changes will take place following the sale, it is in the best interest of the facility and the CFATS program to continue implementation of CFATS according to the schedule and obligations that were being implemented by the previous owner/operator.
- If necessary, DHS will work with the new owner/operator to provide reasonable timelines for the facility to meet its regulatory obligations.

**Option 2:** The buyer may establish his own facility ID by registering the facility and submitting a new Top Screen. The seller will submit a Top-Screen reporting no chemical(s) of interest and the sale of the facility.

### **Requirements**

**Option 1:** The seller and the buyer should each write a letter to the Department providing details about the sale. The seller should explicitly grant the buyer permission to assume the ID and take ownership of the facility's submitted surveys. The buyer should explain that his organization is willing to assume the ID and take responsibility for the submitted and the future surveys, and should explicitly document that the COI holdings and facility operations will remain the same. The buyer should also provide the new facility name, owner, operator, and parent company, as applicable. Please do not attempt to edit this information in CSAT yourself.

**Option 2:** The seller and buyer should each write a letter to the Department explaining the circumstances of the sale of the facility and notifying the Department that the seller wants to submit a zero Top-Screen and that the buyer wants to establish his own CSAT identity and submit his own surveys.

**Both Options:** The letters for both options should be written on company letterhead and should be addressed as follows:

David Wulf, Director  
Infrastructure Security Compliance Division  
Office of Infrastructure Protection  
MS 0610  
Department of Homeland Security  
Washington, DC 20528

The letter(s) should be faxed to the CSAT Help Desk (866-731-2728).

**CVI Disclosure** If any letters submitted to DHS for review contain any CVI information, the letter must be properly marked, packaged, and sent in accordance with the CFATS regulations for protection of CVI (see 6 CFR § 27.400). A

copy of the CFATS regulation, including the CVI requirements in 6 CFR § 27.400, is available at <https://www.dhs.gov/critical-infrastructure-chemical-security>.