



FAQ Number: 1635

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Question: The Risk-based Performance Standards for 'Shipping, Receipt and Storage' (RBPS 5) and for 'Theft and Diversion' (RBPS 6) in the CFATS regulations (6 CFR §§ 27.230(a)(5) and (a)(6)) refer to 'hazardous materials' and to 'dangerous chemicals,' respectively. Do those terms include any chemicals other than chemicals of interest (COI) listed in Appendix A of the CFATS regulations?

Answer:

As explained in the DHS RBPS Guidance Document available at www.dhs.gov/chemicalsecurity, the terms "hazardous materials" in RBPS 5 and "potentially dangerous chemicals" in RBPS 6, DHS generally mean COI as listed in Appendix A of CFATS. Those terms may also include, however, other chemicals at a covered facility that pose risks comparable to, or that substantially contribute to, the risks posed by COI listed in Appendix A (i.e., chemicals that have the potential to create significant adverse consequences to human life or health if that facility is subjected to terrorist attack, compromise, infiltration, or exploitation). DHS expects covered facilities to be familiar with their own chemicals (e.g., to know which chemicals are hazardous materials under the Federal hazardous materials transportation laws administered by the U.S. Department of Transportation, 49 U.S.C. §§ 5101, et seq.) However, any covered facility that needs assistance in determining which chemicals and hazardous materials must be addressed under RBPS 5 or 6 in its SSP may request technical assistance from DHS.