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Question: Once I get my “final” tier, can it or will it ever change? How and why?

Answer:

A facility receives its “Final Tier” after DHS has reviewed the facility’s Security Vulnerability Assessment (SVA), as well as one or more Top-Screens, and other appropriate information. When a facility receives its final tier, the facility must submit for DHS approval a proposed Site Security Plan (SSP) that will describe the security measures that will be in place at the facility. Once authorized by DHS, the SSP is an enforceable document governing security at the facility.

This does not mean that a final tier determination cannot change. Final tier determinations can be changed based on new or revised data submitted to or acquired by DHS. In general, most changes will involve moving from one final tier to a revised final tier rather than resulting in a facility exiting regulation under CFATS altogether or moving backward to a preliminarily tiered status. Examples of how a final tier determination may change include:

1. Facility operations change significantly. This could include, for example, the removal or addition of COI, changes in operations or processes, sale or transfer of the site ownership, and/or changes in vulnerabilities. Such changes typically would be site-specific and will be reviewed on a case by case basis. When a facility makes a material modification to its operations or site, it must submit a revised Top-Screen within 60 days of the material modification. Following the submission of the revised Top-Screen, DHS may require the facility to submit a revised SVA, and/or SSP, as well as supporting documentation.
2. An approved SSP has been in place for a number of years and DHS determines the plan has been successful enough to lower the facility’s final tier. This may occur pursuant to the mandatory resubmission process under CFATS § 27.210(b) and after DHS review of information made available through that process.
3. DHS considers new information about a site, chemical, threat, or process that warrants revising (up or down) an existing final tier. DHS will provide appropriate notification to the facility of the reasons justifying a change in the facility’s existing tier.