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Subject: Colleges & Universities And the Chemical Facility Anti-Terrorism Standards (CFATS) Brochure

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Colleges & Universities
And the Chemical Facility Anti-Terrorism Standards (CFATS)
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Introduction
Colleges and universities in the United States conduct some of the world's most important research in chemistry, medicine and other fields. These institutions frequently possess chemicals of interest that are regularly used, stored, or even made in:

- chemistry labs,
- research facilities,
- field houses,
- pool complexes, and
- agricultural, medical, and other campus facilities.

Unfortunately, many of these same chemicals have the potential to be deliberately diverted, released, or otherwise misused by terrorists. Appendix A to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations lists over 300 Chemicals of Interest (COI) that DHS believes may pose significant risks to human life or health if misused by terrorists. DHS uses this list as part of the CFATS process to identify, assess, and secure high-risk facilities. Colleges and universities are among the many types of facilities that possess COI for legitimate uses, and DHS may determine some to be high-risk facilities subject to CFATS.

Chemicals of Interest
Appendix A to CFATS lists over 300 COI that are organized by security and vulnerability issues – specifically, COI that a terrorist could: steal, divert, or otherwise acquire to use as a weapon at another time and place (Theft/Diversion COI); or sabotage or contaminate to explode or release in transit (Sabotage COI); or release as an explosive or to form a flammable or toxic cloud (Release COI).

What is a Facility under CFATS?
A chemical facility is defined in 6 CFR Part 27 as "any establishment that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined by the Secretary to be potentially dangerous or that meets other risk-related criteria identified by the Department." How a high-risk "facility" is defined and secured depends on the outcome of DHS' assessment process and dialogue with the facility. DHS recognizes, for example, that colleges and universities are made up of many individual buildings, operations, and areas – only some of which may possess COI.

Under CFATS, all final high-risk facilities have the flexibility to select and implement security measures in their Site Security Plan (SSP) - subject to approval by the Department - that are appropriate to the facilities' circumstances and satisfy the risk-based performance standards. DHS works with all high-risk facilities to ensure they have tailored their security measures to address their tier level, site conditions, and other facility-specific issues. A college or university with a high-risk facility on campus - such as a research complex – may decide, for example, to implement appropriate security measures only at the high-risk "facility," as opposed to the entire campus.

The Top-Screen

The Top-Screen is an online questionnaire that collects basic information about a facility's location and operations and is used by DHS to preliminarily determine if the facility is high risk. Any facility that possesses a COI at or above the applicable screening threshold quantities (STQ) listed in Appendix A of CFATS must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of COI.

Release COI used in a laboratory under the supervision of a "technically qualified individual" need not be counted toward a facility's STQ. For more information on this provision, please refer to §27.203 (b)(2) of the CFATS regulations or call the DHS CFATS Help Desk at 866-323-2957.

When preparing a Top-Screen, the Chemical Hygiene Officer, Environmental Manager, Risk Manager, and other staff are valuable resources for providing information about COI on campus. Campus security personnel are another valuable resource for completing the CFATS Security Vulnerability Assessment (SVA) and SSP, if required.

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 per violation and/or requiring the facility to cease operations.

6 CFR Part 27

Section 550 of the DHS Appropriations Act of 2007 grants DHS the authority to regulate chemical facilities that "present high levels of security risk." The Chemical Facility Anti-Terrorism Standards (CFATS) final rule, published in the Code of Federal Regulations on April 9, 2007, established a risk-based

performance standard approach to screening and securing chemical facilities determined by DHS to be "high risk." CFATS requires facilities that possess Chemicals of Interest (COI) at or above applicable screening threshold quantities (STQ) to complete Top-Screen questionnaires. After reviewing the Top-Screen, DHS assigns each facility that is initially determined to be high risk to a preliminary tier.

Each preliminarily high-risk facility is then required to submit a Security Vulnerability Assessment (SVA). Facilities still deemed high risk after DHS' review of the SVA are notified of their final tier and required to complete a Site Security Plan (SSP) that meets the CFATS risk-based performance standards. CFATS allows some chemical facilities to submit Alternative Security Programs (ASPs) in lieu of the CFATS SVA, and all facilities may submit an ASP in lieu of an SSP. DHS Inspectors will visit each high-risk facility and verify the facility's adherence with the SSP before final DHS approval.

Note that Section 550 of the DHS Appropriations Act of 2007 specifically exempts: 1) facilities regulated under the Maritime Transportation Security Act; 2) facilities owned or operated by the Department of Defense or Department of Energy; 3) facilities regulated by the Nuclear Regulatory Commission; and 4) public water systems (as defined by section 1401 of the Safe Water Drinking Act), and water treatment works (as defined by section 212 of the Federal Water Pollution Control Act).

Questions?

For more information, contact
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