



FAQ Number: 1749

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Question: What is a “certification” in the Expedited Approval Program (EAP)?

Answer: A certification is a document that is required by the CFATS Act of 2014 for facilities participating in the EAP that must be signed under penalty of perjury by the owner or operator of an expedited approval facility and submitted with an EAP Site Security Plan (SSP). The owner or operator certifies to all of the elements contained in 6 U.S.C. § 622(c)(4)(C). These elements include:

A.) the owner or operator is familiar with the requirements of this subchapter and part 27 of title 6, Code of Federal Regulations, or any successor thereto, and the site security plan being submitted;

B.) the site security plan includes the security measures required by subsection (b);

C.) the security measures in the site security plan do not materially deviate from the guidance for expedited approval facilities except where indicated in the site security plan; any deviations from the guidance for expedited approval facilities in the site security plan meet the risk-based performance standards for the tier to which the facility is assigned; and the owner or operator has provided an explanation of how the site security plan meets the risk-based performance standards for any material deviation;

D.) the owner or operator has visited, examined, documented, and verified that the expedited approval facility meets the criteria set forth in the site security plan;

E.) the expedited approval facility has implemented all of the required performance measures outlined in the site security plan or set out planned measures that will be implemented within a reasonable time period stated in the site security plan;

F.) each individual responsible for implementing the site security plan has been made aware of the requirements relevant to the individual's responsibility contained in the site security plan and has demonstrated competency to carry out those requirements;

G.) the owner or operator has committed, or, in the case of planned measures will commit, the necessary resources to fully implement the site security plan; and

H.) the planned measures include an adequate procedure for addressing events beyond the control of the owner or operator in implementing any planned measures. An example of an Expedited Approval Program Certification can be found in Attachment 1 of the Guidance for the Expedited Approval Program. This form can be used to submit the certification as well.