Guidance Document

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Document Summary: The following document is an advisory opinion that clarifies the term “Transportation Packaging” as used in the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. This advisory opinion contains the Agency’s interpretation of the term as it is used in the CFATS regulations.

Document Title: “Transportation Packaging” Interpretation

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Affected parties: Chemical facilities possessing theft/diversion chemicals of interest (COIs).

Statutory or regulatory provisions interpreted: 6 CFR 27.203(c)

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transportation. Facilities are required to count T/D COI even when minor modifications are made to packaging that would otherwise meet the 49 CFR § 173.24(b) requirements. For example, if a lid was removed from a package so that it was no longer closed, but could easily be closed, the facility must count T/D COI contained therein if the package would otherwise meet the general requirements of 49 CFR § 173.24(b).

This interpretation is consistent with the descriptive language and the security concern included in the Preamble to Appendix A, which stated as follows with regard to the adoption of the DOT definition of packaging: “This includes, but is not limited to, cylinders, bulk bags, bottles inside or outside of a box, cargo tanks, and tank cars. DHS has focused the universe of theft/diversion chemicals of interest in this fashion because the theft/diversion security issue revolves around portable and transportable amounts of certain chemicals. DHS is concerned about both the theft of portable amounts of these chemicals and the diversion of shipments of these chemicals.” 72 Fed. Reg. 65396, 65399 (Nov. 20, 2007).