



Guidance Document

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Document Summary: The following document contains the current Frequently Asked Questions (FAQs) for the Chemical Facilities Anti-Terrorism Standards (CFATS) Knowledge Center. These FAQs have been compiled by CISA in response to interactions with stakeholders in the course of their compliance with the CFATS program.

Document Title: CFATS FAQs

Issued by: Infrastructure Security Compliance Division, Cybersecurity and Infrastructure Security Agency

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Affected parties: Owners and operators of facilities that possess chemicals of interest (COIs) that are or are potentially required to comply with the CFATS program.

Statutory or regulatory provisions interpreted: 6 CFR part 27

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Link: <https://csat-help.dhs.gov/>, www.cisa.gov/publication/cfats-faqs



 FAQ Number: 81	Date Published: August 13, 2008	Last Updated: June 29, 2017
Question: How does a person obtain access to the Chemical Security Assessment Tool (CSAT) 2.0 User Registration web site?		
Answer: To obtain access to the CSAT 2.0 Registration web site click on the following link: https://csat-registration.dhs.gov/ .		
The CSAT web site requires that TLS 1.0 be enabled in your browser.		
For Microsoft Internet Explorer:		
<ul style="list-style-type: none">• Select Tools -> Internet Options• Then select the Advanced tab• Scroll down to the Security section• Make sure that the setting "Use TLS 1.0" is checked		
For Mozilla FireFox:		
<ul style="list-style-type: none">• Select Tools -> Options• Then select the Advanced tab• Select the Security tab• Make sure that the setting "Use TLS 1.0" is checked.		
For Chrome:		
<ul style="list-style-type: none">• Select Settings -> Show advanced settings• Under Network, select Change proxy settings• Select the Advanced tab within the Internet Properties window• Scroll down in the Settings section to Security and select the "Use TLS 1.0" checkbox• Click the OK button		

 FAQ Number: 193	Date Published: May 22, 2009	Last Updated: May 22, 2009
Question: What is meant by "diversion" of chemicals?		
Answer: Chemicals are diverted when a buyer poses as a legitimate customer to acquire materials and then either diverts or directs the materials to another use.		

 FAQ Number: 387	Date Published: May 22, 2009	Last Updated: May 22, 2009
Question: What if my facility will be adding a chemical of interest in the future?		
Answer: If the facility plans to add chemicals on the list of chemicals of interest at or above the STQ in the future, this may constitute a material modification to an operation or a site and may trigger a need to notify the Department within 60 days of such a modification. In such instances, facilities must complete and submit a revised Top-Screen to the Department within 60 days of the notification in accordance with §27.210 (d). See the preamble to 6 CFR Part 27 for a more complete discussion of how to handle chemicals added to a site in the future.		

 FAQ Number: 516	Date Published: August 23, 2007	Last Updated: October 12, 2018
Question: Where can I take CVI training?		
Answer: Go to the Chemical-terrorism Vulnerability Information (CVI) Authorized User Training website at https://cvi.dhs.gov/training .		

 FAQ Number: 641	Date Published: August 14, 2008	Last Updated: June 17, 2019
Question: When does a facility need to submit a Chemical Security Assessment Tool (CSAT) Top-Screen?		
Answer: A chemical facility of interest must submit a Top-Screen within 60 days of the facility coming into possession of threshold quantities of any chemical of interest (COI) listed in Chemical Facility Anti-Terrorism Standards (CFATS) Appendix A which can be found at https://www.dhs.gov/appendix-a-chemicals-interest-list . In appropriate circumstances, a chemical facility of interest may also be notified individually by the Department to submit a Top-Screen.		

 FAQ Number: 1143	Date Published: June 11, 2010	Last Updated: October 24, 2017
Question: What is required of co-located facilities in regards to the Chemical Facility Anti-Terrorism Standards (CFATS)? Do both companies need to submit a Top-Screen and Security Vulnerability Assessment (SVA)/Site Security Plan (SSP)? Is it possible for the imbedded facility to share the Top-Screen and SVA/SSP with the host company? If this is possible, what would be required by both companies to accomplish this and be compliant under 6 CFR Part 27?		
Answer: DHS has indicated that where multiple owners and/or operators function within a common infrastructure or within a single fenced area, the Assistant Secretary may determine that such owners and/or operators constitute a single chemical facility or multiple chemical facilities depending on the circumstances. See 72 FR 17697 found at https://www.gpo.gov/fdsys/pkg/FR-2007-04-09/pdf/E7-6363.pdf#page=11 . DHS has also indicated that, in general, the party responsible for security of the chemical(s) of interest (COI) is the party that must submit the Top-Screen. See 72 FR 65417 found at https://www.dhs.gov/publication/appendix-final-rule . DHS believes that in most circumstances, these rules can be applied in a straightforward manner to determine who has responsibility for Top-Screen submission. However, DHS acknowledges that, in some circumstances, the issue might be more complex. DHS will address these situations on a case-by-case basis. See 72 FR 17697 found at https://www.gpo.gov/fdsys/pkg/FR-2007-04-09/pdf/E7-6363.pdf#page=11 . You are urged to contact DHS directly to explain your circumstances and to obtain further DHS guidance at CSAT Helpdesk at 1-866-323-2957.		

 FAQ Number: 1178	Date Published: August 12, 2008	Last Updated: April 10, 2019
Question: Are truck terminals and railroad facilities regulated under the Chemical Facility Anti-Terrorism Standards (CFATS)?		
Answer: No. The Department is taking the same approach toward truck terminals that it has taken toward railroad facilities. See 72 FR 17698-17699. DHS presently does not plan to screen truck terminals for inclusion in CFATS and therefore DHS does not request that owners and operators of truck terminals complete a Top-Screen. For more information on this topic, please reference the Appendix to Chemical Facility Anti-Terrorism Standards: Final Rule, Section III(B)(5), 72 Fed. Reg. 65,415 (Nov. 20, 2007), available at: https://www.dhs.gov/publication/appendix-final-rule .		

 FAQ Number: 1194	Date Published: September 23, 2008	Last Updated: October 25, 2017
Question: Are facilities, particularly colleges and universities, able to avoid reporting certain chemical(s) of interest		

(COI) in their Top-Screen?

Answer: If a facility's release-toxic, release-flammable, or release-explosive chemical(s) of interest (COI) are manufactured, processed, or used in its lab under the supervision of a technically qualified individual (as defined in 40 CFR 720.3(ee) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol33/pdf/CFR-2016-title40-vol33-sec720-3.pdf>), then the facility does not need to include these COI when calculating its Screening Threshold Quantity (STQ). See 6 CFR § 27.203(b)(2) found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-203.pdf>.

However, this exemption does not apply to:

- Specialty chemical production;
- The manufacturing, processing, or use of substances in pilot scale operations; or
- Activities, including research and development, involving COI conducted outside the laboratory.

Note: The exemption from reporting applies only to release COI. Threshold quantities of theft/diversion and sabotage/contamination COI found in laboratories must be reported on a facility's Top-Screen.

 **FAQ Number:** 1228 **Date Published:** June 11, 2010 **Last Updated:** October 25, 2017

Question: How is the Screening Threshold Quantity (STQ) calculated for Ammonium Nitrate (AN)?

Answer: As a chemical of interest (COI), AN presents two security issues: theft/diversion-EXP/IEDP and release-explosive. DHS is treating the possible theft/diversion of this form of AN in the same way that it is treating all other Department of Transportation (DOT) Division 1.1 explosives. Where a facility has larger amounts of AN, there may also be release hazards. When that is the case, DHS has set the STQ for the possible release of AN at 5,000 pounds. Where AN presents a theft-EXP/IEDP security issue, the STQ is 400 pounds, and a facility is expected to include all amounts of A Commercial Grade (ACG) of AN when determining whether it meets or exceeds the STQ. And, per § 27.203(c) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-203.pdf>, in calculating this theft STQ, facilities need only count amounts in transportation packaging.

 **FAQ Number:** 1238 **Date Published:** February 27, 2017 **Last Updated:** May 16, 2017

Question: How do I comply with the Chemical Facility Anti-Terrorism Standard (CFATS) regulation if my facility does not have Internet access?

Answer: The Department of Homeland Security (DHS) will not accept Chemical Security Assessment Tool (CSAT) surveys in paper format. CSAT surveys must be submitted electronically via the CSAT web portal. In addition, during and after the CSAT survey submission process, DHS will communicate with the facility in various ways, one of which is electronic e-mail. Therefore, each chemical facility will have to gain access to the internet in order to comply with CFATS requirements. Original Date Published: August 14, 2008

 **FAQ Number:** 1253 **Date Published:** May 22, 2009 **Last Updated:** March 12, 2012

Question: How can I request a CFATS presentation?

Answer:

The Department of Homeland Security reaches out to people and companies in the chemical industry and those interested in chemical security.

To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please send the following information to cfats@dhs.gov. (Copy and paste into your e-mail, and respond to

each item.)

1. Who you are or the organization you represent
2. Specific CFATS-related issues of particular interest to your organization and attendees (e.g., general CFATS overview, Chemical-terrorism Vulnerable Information (CVI), Security Vulnerability Assessment (SVA), Risk Based Performance Standards (RBPS), Site Security Plan (SSP) or Inspection Process)
3. Proposed location/venue
4. Proposed date/time
5. Preferred duration of presentation (please specify if the Department representative should allot time for questions and answers from audience)
6. Estimated number of attendees
7. Background of attendees
8. Other speakers who may be participating on the same topic or forum
9. Whether the event will be opened to the press

The Department will do its best to accommodate your request and respond within approximately two weeks of receiving the request. Decisions will depend on whether an appropriate Department representative is available.

 FAQ Number: 1272	Date Published: May 22, 2009	Last Updated: April 27, 2017
Question: Who is responsible for submitting a Top-Screen in situations where chemicals of interest are located on property that is leased by a tenant from a landlord?		
Answer: Whether a landlord or tenant is responsible for submitting a Top-Screen will depend on which party is responsible for security of the chemicals of interest. As a general rule, the party responsible for the security of the chemical is responsible for submitting the Top-Screen. This may vary depending on the operational and/ or contractual relationship between the parties.		

 FAQ Number: 1274	Date Published: August 15, 2017	Last Updated: August 15, 2017
Question: How can a person contact the Chemical Security Assessment Tool (CSAT) Help Desk?		
Answer: You may contact the CSAT Help Desk by sending an e-mail to the following address: CSAT@hq.dhs.gov . You can also call or send a fax: phone 1-866-323-2957, or fax 1-866-731-2728.		

 FAQ Number: 1275	Date Published: September 09, 2015	Last Updated: October 25, 2017
Question: What needs to be done with the facility ID in the Chemical Security Assessment Tool (CSAT) when a covered chemical facility is bought or sold?		
Answer: DHS provides two options for changing the facility ID when a covered chemical facility is bought or sold.		
Option 1: The buyer may assume the facility ID and the submitted surveys of the previous owner. This option is possible under the following conditions:		
<ul style="list-style-type: none">• There are no substantive changes to the chemical(s) of interest (COI) holdings or processes at the facility.• There are no changes to the facility that would affect the overall security posture of the facility or its vulnerabilities.• The seller agrees to allow the buyer to take ownership of their regulatory documentation (i.e., previously submitted Top-Screen, Security Vulnerability Assessment (SVA), Site Security Plan (SSP), and/or Alternative Security Program (ASP), as applicable).• The buyer agrees that because no substantive changes will take place following the sale, it is in the best interest of the facility and the CFATS program to continue implementation of CFATS according to the schedule and obligations that		

were being implemented by the previous owner/operator.

- If necessary, DHS will work with the new owner/operator to provide reasonable timelines for the facility to meet its regulatory obligations.

Option 2: The buyer may establish his own facility ID by registering the facility and submitting a new Top-Screen. The seller will submit a Top-Screen reporting no chemical(s) of interest and the sale of the facility.

Requirements

Option 1: The seller and the buyer should each write a letter to the Department providing details about the sale. The seller should explicitly grant the buyer permission to assume the ID and take ownership of the facility's submitted surveys. If the old owner is not available (i.e. previous sale date, insufficient contact information), a letter from the new owner accepting the facility documents will usually be sufficient. The buyer should explain that his organization is willing to assume the ID and take responsibility for the submitted and the future surveys, and should explicitly document that the COI holdings and facility operations will remain the same. The buyer should also provide the new facility name, owner, operator, and parent company, as applicable. Facilities may edit this information themselves; however the Department still requests a letter from the buyer and from the seller if possible.

Option 2: The seller should submit an updated Top-Screen reporting no COI and a letter to the Department explaining the circumstances of the sale of the facility that the buyer wants to establish his own CSAT identity and submit his own surveys. The buyer should register the new facility in CSAT and submit a new Top-Screen. DHS does not expect a letter from the buyer in this case.

Both Options: Letters should be written on company letterhead and should be addressed as follows:

Director
Infrastructure Security Compliance Division
Office of Infrastructure Protection
MS 0610
Department of Homeland Security
Washington, DC 20528

The letter(s) should be faxed to the CSAT Help Desk (866-731-2728).

 **FAQ Number:** 1288 **Date Published:** August 15, 2017 **Last Updated:** August 15, 2017

Question: How does a facility count the amount of a release-flammable Chemical of Interest (COI) in a mixture with a National Fire Protection Association (NFPA) rating of 4?

Answer: Pursuant to § 27.203(b) and § 27.204(a)(2), <https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-203.pdf> if a release-flammable chemical of interest (COI) is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a NFPA flammability hazard rating of 4, the facility shall count the entire weight of the mixture toward the COI's Screening Threshold Quantity (STQ). For example, if a facility has 500 pounds of a flammable mixture containing five percent (5%) pentane and the mixture as a whole has a NFPA flammability hazard rating of 4, the facility shall count the entire weight of the mixture, or 500 pounds toward pentane's STQ of 10,000 pounds.

If a release-flammable chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the COI in the mixture in determining whether the facility possesses the STQ.

 FAQ Number: 1289	Date Published: August 08, 2008	Last Updated: August 08, 2008
Question: For the purposes of CSAT, what is the definition of "tank farm"?		
Answer: The Department defines tank farm as the following: An industrial facility for the storage of oil and/or petrochemical products and from which these products are transported to end users or further storage facilities. A tank farm typically has tankage, either above ground or below grade, and gantries for discharge of products into road tankers or other vehicles or pipelines.		

 FAQ Number: 1291	Date Published: August 12, 2008	Last Updated: April 13, 2017
Question: How do I determine whether or not I need to report my aluminum powder?		
Answer: The Appendix A chemical of interest (COI) aluminum powder (CAS No. 7429-90-5) encompasses aluminum paste and shavings. The standard threshold quantity (STQ) for this COI is 100 pounds and the minimum concentration is A Commercial Grade (ACG). (See Advisory Opinion 2016-002: "A Commercial Grade" Interpretation , https://www.dhs.gov/cfats-advisory-opinions) Therefore, a facility must count any commercial grade of aluminum powder (to include shavings and flakes) loose or suspended in a paste (such as oil, water, or other fluid) toward the STQ. Consistent with 6 CFR 27.203(a)(6), https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-203.pdf , a facility need not consider the aluminum powder contained in articles.		

 FAQ Number: 1368	Date Published: June 30, 2010	Last Updated: June 14, 2011
Question: Are CFATS background checks required for emergency responders prior to access to restricted areas or critical assets during emergency situations?		
Answer: No. During emergency situations, 6 CFR 27.230(a)(12) does not require CFATS background checks on emergency responders at the state or local level that gain unescorted access to restricted areas or critical assets.		

 FAQ Number: 1373	Date Published: September 23, 2009	Last Updated: September 14, 2018
Question: When filling out the Top-Screen questionnaire, how should a facility report a mixture with multiple release-flammable Chemicals of Interest (COIs)? Does the facility need to list the entire weight of the mixture for each COI or does it only need to be listed once? The mixture is not a fuel.		
Answer: The facility must first determine which release-flammable chemicals of interest are in the mixture in concentrations equal to or greater than 1% by weight. If a release flammable COI is present in the mixture in a concentration of less than 1%, it does not have to be reported. If a release-flammable COI is in a mixture at a concentration equal to or greater than 1% by weight, the facility should then determine the mixture's National Fire Protection Association (NFPA) flammability hazard rating. If the mixture has an NFPA flammability hazard rating of 4, the facility should report the entire weight of the mixture. The mixture should be reported as the highest concentration release-flammable COI in the mixture. The mixture only has to be reported once on the Top-Screen even though it contains other release-flammable COI. For example, if a 1000 pound mixture had a NFPA flammability hazard rating of 4 and included three COI - 40% COI X, 20% COI Y, and 5% COI Z - the facility would report 1000 pounds of COI X on its Top Screen and would not report COI Y or Z. If the mixture has an NFPA flammability hazard rating of 1, 2, or 3 (and it is not a fuel), the facility does NOT have to report the entire weight of the mixture on the Top Screen. Instead, the facility should calculate the weight of each COI in the mixture and count only the weight of the COI towards the screening threshold quantity for each COI. For example, if a 1000 pound mixture with an NFPA flammability rating of 3 was 20% COI A (200 lbs.) and 10% COI B (100 lbs.), the facility would count 200 pounds of COI X and 100 pounds of COI Y towards their respective STQs.		

 FAQ Number: 1374	Date Published: May 22, 2009	Last Updated: October 25, 2017
Question: When purchasing a polymer that contains phosphorus, does the phosphorus need to be counted toward the Screening Threshold Quantity (STQ)?		
Answer: Once the phosphorus is mixed with other products to create a polymer, the polymer is now an article and the phosphorus does not need to be counted. If phosphorus is on site to be used to manufacture a coating, then that must be calculated towards the STQ.		

 FAQ Number: 1382	Date Published: May 22, 2009	Last Updated: October 25, 2017
Question: There are chemicals of interest (COI) in the piping at my facility. How do I account for that COI when calculating the Screening Threshold Quantity (STQ)?		
Answer: Pursuant to § 27.203(b)(1)(i) which can be hold at https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-203.pdf , facilities must include release chemicals in a vessel, as defined by 40 CFR §68.3. The definition of a "vessel" includes piping. COI in piping is only counted towards the STQ for release COI. (Theft/ Diversion COI in piping is not counted toward the STQ because it is not in transportation packaging). When determining if the facility possesses the applicable screening threshold quantity, the following are provided for purposes of applying this requirement at a facility with chemicals of interest.		
* If the piping contains COI and is run between unit operations at the facility, then the facility must count the COI toward the STQ. An example would be phosgene that is manufactured at a facility then piped directly to manufacture polycarbonate plastic.		
* If the piping contains COI and is supplied from another vessel at the facility, then the facility must count the COI in the piping, the other vessel or any other unit operation toward the STQ. An example would be any COI chemical stored in a tank that is piped directly to a unit operation at the facility. (However, the same mass of the COI need not be counted more than one time as it traverses through the process for a release-flammable chemical.)		
However, if the piping contains COI and runs through the facility, but the facility does not possess the COI (e.g., no COI is withdrawn from or supplied to the pipeline by the facility), the facility need not count the COI. An example would be a natural gas pipeline that traverses below ground through a facility's property yet never supplies product to the facility.		

 FAQ Number: 1383	Date Published: May 22, 2009	Last Updated: April 13, 2017
Question: Is Ammonium Nitrate Fuel Oil, also known as ANFO, included on Appendix A?		
Answer: No. ANFO is not included in CFATS Appendix A. However, a facility that manufactures ANFO may possess screening threshold quantities (STQ) of chemicals of interest (COI) used in the manufacture of ANFO (e.g., ammonium nitrate). If so, the facility would need to report those COI.		

 FAQ Number: 1392	Date Published: April 27, 2017	Last Updated: April 27, 2017
Question: How do I transfer my account or reassign my user role?		
Answer: Only the Authorizer can transfer accounts and user roles within the Chemical Security Assessment Tool (CSAT) 2.0 application. To transfer an account, the Authorizer must access the Manage My Account page from the CSAT 2.0 site to begin the role transfer request process. Specific details on how to perform the transfer including application screen shots can be found in the CSAT 2.0 Portal User Manual at https://www.dhs.gov/publication/csat-portal-user-manual Section 10.		

 FAQ Number: 1398	Date Published: October 10, 2019	Last Updated: October 10, 2019
Question: Are Chemicals of Interest (COI) in hazardous waste to be counted towards a Screening Threshold Quantity		

(STQ)?

Answer:

In calculating whether it possesses the STQ of a COI, the facility need not include COI in solid waste (including hazardous waste) regulated under the Resource Conservation and Recovery Act (RCRA), except for waste described in 40 CFR 261.33. Such wastes are referred to as P- and U-code listed wastes. Generally, P- and U-code wastes consist of commercial chemical products that are deemed to be hazardous waste when they are discarded or intended to be discarded. P- or U-code waste comprised of a chemical listed on Appendix A must be counted toward a facility's STQ if any of the following apply:

- the listed waste is a discarded commercial chemical product or a manufactured chemical intermediate;
- the listed waste consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient; and
- the listed waste was discarded unused

A facility is not required to count toward the STQ other hazardous wastes that carry a P or U hazardous waste code including:

- mixture of the P- or U-listed waste and other materials;
- treatment residues derived from the treatment of the P- or U-listed waste; or
- contaminated media containing the P- or U-listed waste.

The facility that generates the waste (e.g., a facility discarding the product or its intermediate) is responsible for accurately identifying and labeling the wastes.

 **FAQ Number:** 1405 **Date Published:** October 21, 2009 **Last Updated:** May 11, 2016

Question: How will I know the agricultural extension has been lifted and what to do next?

Answer:

If you go to <https://www.dhs.gov/critical-infrastructure-chemical-security> to sign up for e-mail updates to the CFATS program you will receive an e-mail notification when the agriculture extension has been lifted. The notification will contain instructions for facilities currently affected by the agriculture extension.

You can also go to <http://www.regulations.gov> and sign up for changes to the chemical security rule under DHS-2006-0073 and receive any changes made in the Federal Register. If you sign up for notification of changes, you will receive an e-mail when new information or updated information is available.

 **FAQ Number:** 1437 **Date Published:** June 19, 2008 **Last Updated:** April 13, 2017

Question: How is the screening threshold quantity (STQ) for sabotage/contamination chemicals of interest (COI) calculated in a mixture?

Answer: As provided in 6 CFR §27.203(d), <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-203.pdf>, a facility shall count toward the STQ the total quantity of any placarded amount of a sabotage/contamination chemical that the facility ships.

 **FAQ Number:** 1441 **Date Published:** March 30, 2017 **Last Updated:** March 30, 2017

Question: If a facility has not made any changes to its holdings of chemicals of interest (COI) as indicated on its most

recent Top-Screen, and DHS previously determined the facility to not be high risk, why did the facility receive an email from DHS requesting that a new Top-Screen be completed?

Answer: As provided in the [Federal Register notice issued July 20, 2016](https://federalregister.gov/a/2016-16776), which can be found at <https://federalregister.gov/a/2016-16776>, and due to the transition to Chemical Security Assessment Tool (CSAT) 2.0, the Department has, in a phased approach, begun individually notifying facilities to submit a Top-Screen using the revised CSAT Top-Screen application (CSAT 2.0). Notifications are being sent to facilities that either (a) have previously submitted a Top-Screen with COI above the screening threshold quantity (STQ), or (b) the Department has reason to believe have COI at or above the STQ. Each facility will have 60 days from notification to submit the new Top-Screen describing any such COI in the facility's possession. DHS will then review the Top-Screen submission to make a new determination as to whether the facility is high risk using the enhanced risk tiering methodology.

 **FAQ Number:** 1456 **Date Published:** May 22, 2009 **Last Updated:** May 22, 2009

Question: Should release chemicals of interest (COI) presently in process or chemicals that are by-products be considered when determining the total On-site Quantity (TOQ)?

Answer:

Yes, when determining the Total On-site Quantity for release-COI, a facility must also include COI that are present as process intermediates, by-products, and incidental production materials (see 6 CFR 27.203(b)(1)(ii)). A facility should compute the TOQ using the same provisions a facility considers when determining whether it possesses a release-COI in an amount at or above the applicable STQ; therefore, release-COI in process and in by-products should be considered in both.

 **FAQ Number:** 1457 **Date Published:** May 22, 2009 **Last Updated:** October 25, 2017

Question: My facility is a "tank farm" that is part of a pipeline system. Do I need to comply with CFATS?

Answer: Yes. Pursuant to 6 CFR 27.203(b)(1)(v) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-203.pdf>, facilities must consider chemicals of interest (COI) in gasoline, diesel, kerosene or jet fuel (including fuels that have a National Fire Protection Administration flammability hazard rating of 1, 2, 3, or 4) stored in above-ground tank farms, including tank farms that are part of pipeline systems, when determining whether or not the facility possesses any COI in an amount at or above the applicable Screening Threshold Quantity (STQ) for that COI.

However, the Department has indefinitely extended the due dates for submission of Top-Screens, and as applicable Security Vulnerability Assessments (SVAs) and Site Security Plans (SSPs), for chemical facilities of interest where the only reportable COI is present in a gasoline mixture. For more information, please refer to the Federal Register Notice (FRN) 81 FR 47001 Section IV B which can be found at <https://www.federalregister.gov/documents/2016/07/20/2016-16776/chemical-facility-anti-terrorism-standards>

 **FAQ Number:** 1465 **Date Published:** June 11, 2010 **Last Updated:** June 11, 2010

Question: How does a facility count the amount of a release-toxic chemical present in a mixture?

Answer:

Pursuant to § 27.204(a)(1), if a release-toxic chemical is present in a mixture, and the concentration of the chemical is equal to or greater than one percent (1%) by weight, the facility shall count the amount of the COI in the mixture toward the applicable STQ.

For example, if a facility has 500 pounds of a toxic mixture containing five percent (5%) acrolein, the facility should

count five percent (5%) of the weight of the mixture, or 25 pounds of acrolein, toward the STQ of 5,000 pounds. Except for oleum, if a facility can measure or estimate (and document) that the partial pressure of the regulated substance in the mixture is less than 10 mm Hg, the facility need not consider the mixture when determining the STQ. If a release-toxic COI is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight of the mixture, the facility need not count the amount of that chemical in the mixture in determining whether the facility possesses the STQ.

 **FAQ Number:** 1481 **Date Published:** May 22, 2009 **Last Updated:** October 25, 2017

Question: What is included when determining whether a facility possesses an amount of a theft/diversion chemical of interest (COI) for theft/diversion chemicals?

Answer: 6 CFR 27.203(c) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-203.pdf>, requires facilities to include only theft/diversion (T/D) chemicals of interest (COI) that are in transportation packaging, as defined in 49 CFR § 171.8, when determining whether their holdings and COI are at or above the screening threshold quantity (STQ). Additional information on the treatment of theft/diversion COI under CFATS can be found in CFATS Advisory Opinion 2016-003 “Transportation Packaging” which can be found at <https://www.dhs.gov/cfats-advisory-opinions>.

 **FAQ Number:** 1489 **Date Published:** June 24, 2008 **Last Updated:** April 18, 2017

Question: Can a covered facility have contractors or lawyers fill out their Security Vulnerability Assessment (SVA)/Site Security Plan?

Answer: Yes, a contractor or consultant (who may in fact be a lawyer) hired by the covered (high risk) facility may act as a Preparer as long as the Authorizer grants access to the contractor/consultant and this individual is a Chemical Terrorism Vulnerability Information (CVI) Authorized User.

 **FAQ Number:** 1490 **Date Published:** June 24, 2008 **Last Updated:** April 13, 2016

Question: Do all of the employees involved in filling out the Security Vulnerability Assessment (SVA) at my facility have to be Chemical-terrorism Vulnerability Information (CVI) Authorized Users?

Answer: No. It depends on the role the employee has with regards to the SVA development.

Any employee requiring a Chemical Security Assessment Tool (CSAT) account to input data regarding the Top-Screen, SVA, or Site Security Plan (SSP) on behalf of the chemical facility will need to be a CVI Authorized User. When any part of CSAT is filled in, it contains CVI regulated information pursuant to 6 C.F.R. § 27.400. Thus, any person who actually fills out any part of the Top-Screen, SVA, or SSP, reviews them, or handles them (including Preparers, Submitters, Reviewers, and Authorizers) must be a CVI Authorized User (i.e., trained and certified by DHS) and have a “need to know” in accordance with 6 CFR § 27.400(e). See CVI Procedural Manual available at <https://www.dhs.gov/publication/safeguarding-information-cvi-manual>.

However, only information developed, submitted, or maintained in order to comply with the Chemical Facility Anti-Terrorism Standards (CFATS) or its authorizing statute is considered CVI. See 72 Fed. Reg. 17715 (April 9, 2007). Therefore, some of the underlying, existing information included in CSAT may not be CVI in and of itself. In particular, factual information required by another federal program, or information developed for business purposes unrelated to CFATS, may not be CVI apart from its actual inclusion in a Top-Screen, SVA, or SSP. Employees who provide that non-CVI data to others preparing the Top-Screens, SVAs, or SSPs do not need to be CVI Authorized Users.

For additional assistance in determining whether employees need to be CVI Authorized Users in specific

circumstances, please contact the CFATS Help Desk at 866-323-2957.

Additional information on CVI procedures and CVI training can be found in the CVI Procedural Manual, available at <https://www.dhs.gov/publication/safeguarding-information-cvi-manual>.

Note: Any references to SSPs include the Alternative Security Program (ASP) and the Expedited Approval Program (EAP).

 **FAQ Number:** 1540 **Date Published:** July 15, 2008 **Last Updated:** July 15, 2008

Question: How does a facility count the amount of release flammable COI within a mixture that is not a fuel with an NFPA rating of 1, 2, or 3?

Answer:

If a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a NFPA flammability hazard rating lower than 4 (i.e., NFPA hazard rating of 1, 2, or 3), and it is not a fuel, the facility need not count the entire weight of the mixture toward the STQ. Mixtures with a NFPA flammability hazard rating of 1, 2 or 3 are calculated by multiplying the percentage of the COI times the total weight of the mixture to see if the COI meets or exceeds the STQ. If a release-flammable COI is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the mixture in determining whether the facility possesses the STQ.

 **FAQ Number:** 1541 **Date Published:** May 22, 2009 **Last Updated:** May 22, 2009

Question: How does a facility count the amount of a release-flammable mixture that is a fuel with an NFPA rating of 1, 2, 3, or 4 if it is stored in an above ground tank farm (including farms that are part of pipeline systems)?

Answer:

If a release-flammable COI is present in a fuel mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has an NFPA flammability hazard rating of 1, 2, 3 or 4, the facility counts the entire weight of the mixture toward the STQ. If a release-flammable chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the mixture in determining whether the facility possesses the STQ.

 **FAQ Number:** 1547 **Date Published:** July 15, 2008 **Last Updated:** July 15, 2008

Question: Is the fact that a facility is a covered facility under 6 CFR part 27 considered CVI?

Answer: No.

 **FAQ Number:** 1551 **Date Published:** July 15, 2008 **Last Updated:** May 11, 2016

Question: Can individuals who are not US Citizens be CVI Authorized Users?

Answer: Yes, non-U.S. citizens can be CVI Authorized Users as long as they can complete CVI Authorized User Training. To access CVI Authorized User Training, go to cvi.dhs.gov/training.

 **FAQ Number:** 1554 **Date Published:** May 22, 2009 **Last Updated:** October 25, 2017

Question: Does the Department of Homeland Security (DHS) have enforcement authority to fine non-compliant

facilities, to include shutting down a facility?

Answer: Yes. The Department may issue enforcement orders pursuant to 6 CFR § 27.300, <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-300.pdf>. This provision establishes a two-step process for enforcing compliance. Under 6 CFR § 27.300(a), the Department may issue an order against a facility that is alleged to be in violation of CFATS to direct the facility to come into compliance. When issuing such orders, the Department will specify a time frame for compliance to be achieved. If the facility fails to come into compliance within the specified time frame, the Department may issue an order pursuant to 6 CFR § 27.300(b) to assess a civil penalty, to direct the facility to cease operations, or both. Under 6 CFR § 27.300(b)(3), the maximum fine that the Department may assess is \$33,333 for each day the violation continues.

In addition, due to the enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, the Department has the authority to assess civil penalties against non-reporting chemical facilities of interest (i.e. chemical facilities that possess threshold quantities of any chemical of interest but fail to submit a Top-Screen to report such quantities) without having to first issue a compliance order under 6 CFR § 27.300(a). See 6 U.S.C. § 624(b)(2). <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title6/pdf/USCODE-2015-title6-chap1-subchapXVI-sec624.pdf>.

For more information, please refer to ISCD Policy for Assessing a Civil Penalty under CFATS. Policy number 02.02.03.010-1.0 which can be found at <https://www.dhs.gov/sites/default/files/publications/cfats-penalty-policy-508.pdf>

 **FAQ Number:** 1557 **Date Published:** March 26, 2010 **Last Updated:** October 12, 2018

Question: What should a facility do if it believes the risk-based tier determination that DHS has assigned it no longer reflects the actual security risk posed to the facility?

Answer: Section 27.120(d) of the CFATS Rule, <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-120.pdf>, allows a covered chemical facility that has modified the facility, its processes or quantities of materials it possesses, and that believes those modifications could affect its obligations under CFATS, to request a consultation under § 27.120(c). Consultations or technical discussions under § 27.120 can be relatively informal, but should be requested in writing to:

Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

In addition, under § 27.205(b), <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-205.pdf>, a covered chemical facility that has materially altered its operations may file a Request for Redetermination and may request a meeting regarding that request. Section 27.205(b) requires DHS to notify the facility of the results of the Redetermination request within 45 days of the request or within 45 days of the meeting.

Three methods are available for a covered chemical facility to submit a Request for Redetermination:

- (1) A request may be emailed to: CSAT Help Desk at csat@dhs.gov, ATTN: Request for Redetermination
- (2) A request may be submitted in writing to: Assistant Secretary for Infrastructure Protection (ASIP), c/o Director, Infrastructure Security Compliance Division, (same address as above).
- (3) A request may be faxed to 866-731-2728, ATTN: Director, Infrastructure Security Compliance Division, (same address as above).

Include the facility ID number assigned to the facility by the Chemical Security Assessment Tool (CSAT) to assist

DHS in processing requests for consultation with the Coordinating Official and Requests for Redetermination by the ASIP. Such requests, especially Requests for Redetermination, should also include any relevant factual information or supporting documentation that you believe would explain or support the request. If any Chemical-terrorism Vulnerability Information (CVI), such as a change to the chemicals of interest (COIs) possessed by your facility, is included with your request, please ensure that the request is marked, packaged, and sent in accordance with the CFATS regulations for protection of CVI (see 6 CFR§27.400, <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-400.pdf>). A copy of the CFATS regulation, including the CVI requirements in 6 CFR § 27.400, is available at <http://www.dhs.gov/chemicalsecurity>.

Please note that requests for consultation or technical assistance under § 27.120 (d) and Requests for Redetermination under § 27.205(b) do not stay or extend any deadlines under the Rule applicable to your facility. If you wish to request an extension of any applicable deadline, you should submit such a request in writing, with any supporting explanation or justification, to: Assistant Secretary for Infrastructure Protection, c/o Director, Infrastructure Security Compliance Division, (same address as above).

If you have any questions regarding CFATS issues, please contact the DHS CSAT Help Desk at 866-323-2957.

 **FAQ Number:** 1563 **Date Published:** June 02, 2010 **Last Updated:** June 02, 2010

Question: How do I know if my facility is a Treatment Works as defined in Section 212 of the Federal Water Pollution Control Act?

Answer:

'Treatment works' under Section 212 of the Federal Water Pollution Control Act, 33 U.S.C § 1292, includes (a) "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 [33 U.S.C. § 1281] of this act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including interception sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment" and (b) "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems."

For more information on the Federal Water Pollution Control Act (commonly known as the Clean Water Act), see <http://www.epa.gov/region5/water/cwa.htm>.

Please note that if a treatment works, as defined under Section 212, is present at a facility that possesses a COI in an amount at or above the applicable Screening Threshold Quantity, the facility may nevertheless be required to submit a CSAT Top-Screen for any portions of the facility that are not part of the exempt treatment works.

 **FAQ Number:** 1566 **Date Published:** September 03, 2008 **Last Updated:** September 14, 2018

Question: How does a facility calculate the Screening Threshold Quantity (STQ) for propane in a mixture?

Answer: Mixtures of propane and other release-flammable chemical of interest (COI) that contain **at least 87.5 percent propane, should be treated as** "propane," subject to the 60,000 - pound STQ rather than a flammable mixture subject to the minimum concentration (i.e., mixtures) provisions applicable to other mixtures of release-

flammables. A facility need not include propane in tanks of 10,000 - pounds or less when calculating the 60,000 - pound STQ.

If the concentration of propane in the mixture is less than 87.5% and has a National Fire Protection Association (NFPA) flammability hazard rating of 4, the weight of the mixture should be reported under the release-flammable COI with the next highest percentage concentration.

For additional information see "Clarification to Chemical Facility Anti-Terrorism Standards; Propane" published in the Federal Register March 21, 2008 (73 FR 5051).

 **FAQ Number:** 1579 **Date Published:** July 01, 2009 **Last Updated:** April 10, 2019

Question: How does a facility define itself if it has multiple buildings, yet only a few select buildings possess Chemicals of Interest (COI) that are subject to being regulated by the Chemical Facility Anti-Terrorism Standards (CFATS)?

Answer: All facilities have the flexibility to define the parameters of their facilities. CFATS requirements are facility-specific. Individual buildings within a facility site can be registered as separate facilities if they possess COI at or above the screening threshold quantity (STQ). For example, a college or university can, if appropriate, submit a Top-Screen on a building-by-building basis or on a campus-wide basis and need not necessarily count the total of all COI in separate buildings to ascertain whether it meets or exceeds the applicable STQ for each COI. However, the Department will evaluate whether or not the definition of the parameters of the facility or facilities to determine whether such definition appears intended to thwart or evade regulation under CFATS. Guidance, options and exclusions are presented in Chemical Facility Anti-Terrorism Standards (CFATS); Final Rule, Section III (B)(1) Colleges and Universities 6 C.F.R. pt.27 (2007), available at: <https://www.dhs.gov/publication/appendix-final-rule>.

 **FAQ Number:** 1588 **Date Published:** July 01, 2009 **Last Updated:** October 12, 2018

Question: Can you tell me where I can find additional information on CVI?

Answer:

Information about CVI is available at <https://www.dhs.gov/chemical-terrorism-vulnerability-information>. Click the link for Chemical-terrorism Vulnerability Information at the bottom of the page.

 **FAQ Number:** 1593 **Date Published:** September 22, 2008 **Last Updated:** September 22, 2008

Question: Will I receive a CVI Authorized User certificate after completing the CVI Authorized User training?

Answer: Yes. DHS will review the information you provide upon completion of the training and, if you are approved as a CVI Authorized User, DHS will notify you with an email providing a unique CVI Authorized User number and certificate to confirm your status.

 **FAQ Number:** 1594 **Date Published:** September 22, 2008 **Last Updated:** September 22, 2008

Question: May CVI be discussed with or disclosed to an Authorized User with a need to know over an unencrypted phone?

Answer: Yes, although the CVI Procedural Manual encourages the discussion and disclosure of CVI in secure phones. Additional security precautions can be found in the revised CVI Procedural Manual (Sept. 2008) at Chapter 8.6.

 **FAQ Number:** 1595 **Date Published:** September 22, 2008 **Last Updated:** September 22, 2008

Question: How do I notify DHS if I am aware (1) that CVI has been released to a person without a need to know, or

(2) of any request for access to CVI by persons without a need to know, or (3) that any actual or suspected misuse of or unauthorized access to CVI may have occurred?

Answer:

Please call the CSAT Helpdesk at 866-323-2957. Please be prepared to provide the following information:

- Date of the event
- Description of the event (e.g., who was involved, what happened, where did this take place)
- Other relevant facts
- any mitigation that has been implemented to respond to or minimize the potential impact of the CVI that has been disclosed?

 **FAQ Number:** 1596 **Date Published:** September 26, 2008 **Last Updated:** September 26, 2008

Question: I have just completed the new CVI Authorized User Training module but previously completed the original CVI training. Will I receive a new CVI number?

Answer:

No. Upon completion of the new training module, you will receive a new CVI certificate. This certificate will reflect a new date of training, but the CVI number will remain the same as on your original certificate.

 **FAQ Number:** 1606 **Date Published:** August 15, 2017 **Last Updated:** August 15, 2017

Question: How does a person access a Chemical Security Assessment Tool (CSAT) letter that needs to be acknowledged?

Answer: To access a CSAT letter that needs to be acknowledged, please access the CSAT Portal at <https://csat.dhs.gov/industry> then view your letters awaiting acknowledgement using the "Letters Awaiting Acknowledgement" section on the CSAT Portal home page. Click on the link to view and download the CSAT letters. After reading the CSAT letter the Authorizer and Submitter will have the ability to acknowledge the CSAT letter.

If you need assistance with your CSAT username and/or password please contact the CSAT Help Desk by emailing CSAT@hq.dhs.gov or calling 866-323-2957.

 **FAQ Number:** 1612 **Date Published:** May 22, 2009 **Last Updated:** March 30, 2017

Question: What type of nitrocellulose is reportable as a chemical of interest (COI)?

Answer: Per the November 20, 2007 Federal Register Notice (Vol. 72, No. 223), only Department of Transportation (DOT) Division 1.1 explosives are included in Appendix A as COI. If nitrocellulose is possessed as a DOT Division 1.1 explosive that meets or exceeds Appendix A criteria, then a Top-Screen must be submitted according to the submission schedule provided in 6 CFR § 27.210 which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-210.pdf>.

 **FAQ Number:** 1620 **Date Published:** February 09, 2009 **Last Updated:** March 30, 2017

Question: How does an individual report a possible security concern involving the Chemical Facility Anti-Terrorism Standards (CFATS) regulation at one's facility or another facility?

Answer: If you would like to report a possible security concern involving the Chemical Facility Anti-Terrorism Standards (CFATS) regulation at your facility or another facility, you may contact the CFATS Chemical Facility Security Tip Line at 877-FYI 4 DHS (877 394-4347). You are welcome to report these concerns on the voicemail anonymously, or, if you would like a return call, please leave your name and number.

Reports of potential CFATS violations may also be submitted via email to CFATSTips@hq.dhs.gov and/or U.S. mail, or other third-party commercial carrier, to:

Infrastructure Security Compliance Division
Department of Homeland Security
Mail Stop 8100
Washington DC 20528

If you are calling to report a potential security incident that has already occurred, please call the National Infrastructure Coordination Center at 202-282-9201. If you have a security emergency or terrorist incident, please hang up and call 9-1-1 immediately.

If you have questions about CFATS in general, please call 866-323-2957.

Note: Any person who is an employee or contractor of a CFATS-covered chemical facility who reports a potential CFATS violation at that facility to DHS is considered a whistleblower under The Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, Public Law 113-254 (6 USC § 625 et seq. <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title6/pdf/USCODE-2015-title6-chap1-subchapXVI-sec625.pdf>). Facilities are prohibited from retaliating against whistleblowers under that statute.

 **FAQ Number:** 1633 **Date Published:** January 07, 2010 **Last Updated:** January 07, 2010

Question: What is a proposed measure and why would a facility include one in the SSP?

Answer:

A proposed measure is a measure that is under consideration for addition or elimination by the facility. Proposed measures will not be considered by DHS in determining whether or not to approve an SSP, nor are they considered enforceable elements of an approved SSP. A facility that provides information about its proposed measures in the SSP tool can obtain feedback from DHS on these measures and their potential impact on the facility's compliance with CFATS.

In the proposed measures sections of the SSP, a facility may include information regarding:

- 1) Security measures the facility is considering or proposing for addition,
- 2) Existing security measures the facility is considering or proposing for elimination,
- 3) Existing or planned security measures the facility does not want DHS to consider in its evaluation of the facility's SSP, and
- 4) Changes in processes, operations, or chemical uses a facility is considering or proposing.

 **FAQ Number:** 1634 **Date Published:** June 05, 2009 **Last Updated:** March 30, 2017

Question: Should my facility include information in the Security Vulnerability Assessment (SVA)/Site Security Plan (SSP) about Chemicals of Interest (COI) and/or security/vulnerability issues that are not listed in its Tiering Letter, but that the facility believes to be of concern?. What are the Department's expectations about these other security/vulnerability issues and COI?

Answer: A facility may choose to provide information about security/vulnerability issues and any associated chemicals not listed in its Tiering Letter that the facility believes to be of concern and would like to identify for inclusion in their SVA/SSP. All the information provided in the SVA/SSP may be considered in the Department's evaluation of the facility's SVA/SSP.

 **FAQ Number:** 1635 **Date Published:** May 15, 2009 **Last Updated:** October 25, 2017

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 <https://www.dhs.gov/critical-infrastructure-chemical-security>, 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. However, the facility may choose to inform DHS about 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.

 **FAQ Number:** 1642 **Date Published:** July 07, 2009 **Last Updated:** June 01, 2012

Question: I am already a CVI Authorized User. Do I need to take the CVI training again to maintain my CVI Authorized User status?

Answer:

Active CVI Authorized Users are not required to take subsequent CVI training in order to maintain CVI status. However, many improvements to CVI handling and safeguarding procedures were made to the September 2008 revised CVI Procedural Manual. These changes also are reflected in the updated CVI training. DHS recommends CVI Authorized Users read the revised Procedural Manual to become familiar with the changes and consider taking the revised CVI training. Those taking the revised CVI training will receive a new CVI Authorized User Certificate with a new issuance date, but maintain the original CVI Authorized User number. Taking the training also will provide an opportunity to update the CVI Authorized User information and link the CVI certification with the CSAT Authorized User Account (for Authorizers, Submitters, Preparers, or Reviewers of CFATS-covered facilities).

In the revised CVI training, existing CVI Authorized Users will be prompted at the beginning of the training to enter their CVI Authorized User number (located on the CVI Certificate) and the e-mail address the user provided during the original training. The CVI Procedural Manual and training can be found on the DHS web site http://www.dhs.gov/files/programs/gc_1181835547413.shtm. If you are unable to locate your CVI Authorized User number or experience difficulty verifying your existing CVI Authorized User status, please contact the CSAT Help Desk at 866-323-2957 or csat@hq.dhs.gov for assistance.

 **FAQ Number:** 1643 **Date Published:** June 11, 2010 **Last Updated:** June 11, 2010

Question: How will DHS protect the data it collects?

Answer:

Authorized by Section 550 of Public Law 109-295 to protect from inappropriate public disclosure any information developed or submitted pursuant to Section 550 (e.g., Top-Screen, SVA, SSP). This included information that is developed and/or submitted to DHS pursuant to the Chemical facility Anti-Terrorism Standards (CFATS) regulation which implements Section 550.

Specifically, the IFR requires that this and related information - what the IFR calls Chemical-terrorism Vulnerability Information, or "CVI" - shall be protected from public disclosure. At the same time, the IFR makes clear that CVI will be shared with state and local officials, including law enforcement officials and first responders, as appropriate. For example, it is expected that chemical facilities will coordinate extensively with State and local officials - including the sharing of relevant CVI - in the course of completing the Site Security Plans (SSPs). The IFR also sets forth requirements concerning how the information must be marked and protected.

The Act requires additional protections over the disclosure of CVI in the course of any administrative or judicial proceedings. In these circumstances, CVI will be protected as if the information were classified. Individuals who do not otherwise have a "need to know" CVI will not be able to gain access to it through litigation.

Compliance with the requirements in 6 CFR § 27.400 and familiarity with the guidance in the CVI Procedural Manual will help DHS, chemical facilities and other covered persons ensure that sensitive information about the Nation's high-risk chemical facilities is safeguarded.

 **FAQ Number:** 1644 **Date Published:** October 21, 2009 **Last Updated:** October 21, 2009

Question: What should be done with my CVI Authorization User Number?

Answer: The Department recommends that an individual's CVI number should not be openly displayed or freely revealed. Rather, it should be protected like an individual's credit card number or driver's license or other personally identifiable information.

 **FAQ Number:** 1650 **Date Published:** November 19, 2009 **Last Updated:** March 30, 2017

Question: What happens after a facility submits its Security Vulnerability Assessment (SVA)/Site Security Plan (SSP)?

Answer: Depending on where the facility is in the Chemical Facility Anti-Terrorism Standard (CFATS) process, various outcomes may occur after the submission of the SVA/SSP survey.

If the facility is tiered and the facility has not yet been authorized or approved, DHS will review the SVA/SSP to determine whether the SVA/SSP appears to facially satisfy all applicable Risk-Based Performance Standards (RBPS). If the SVA/SSP satisfies the applicable RBPS, DHS will send the facility a Letter of Authorization. The Authorizer and Submitter will receive an email notification that a new letter is ready for their review and acknowledgement in the CSAT Portal. This letter will initiate the Authorization Inspection process for the facility.

If the facility is authorized, DHS will review the SVA/SSP and any previous Authorization Inspection results and make a final determination as to whether the SVA/SSP satisfies the applicable RBPS. If the SVA/SSP does satisfy the applicable RBPS, DHS will send the facility a Letter of Approval. The Authorizer and Submitter will receive an email notification that a new letter is ready for their review and acknowledgement in the CSAT Portal. The facility status will change to approved, and the facility will be placed in the queue for a Compliance Inspection.

After the facility is approved, DHS will review any subsequent updates to and/or resubmissions of the SVA/SSP. If the SVA/SSP continues to satisfy the applicable RBPS, DHS will send the facility a new Letter of Approval. The Authorizer and Submitter will receive an email notification that a new letter is ready for their review and acknowledgement in the CSAT Portal. The facility will remain in the queue for a Compliance Inspection.

If the facility made changes to its approved SVA/SSP following a Compliance Inspection, DHS will review the updates to the approved SVA/SSP. If the updates satisfy the applicable RBPS, DHS will send the facility a new Letter of Approval.

In any case where DHS determines that the SVA/SSP does not appear to satisfy the applicable RBPS, DHS will contact the facility and attempt to work with the facility to bring the facility into compliance. If a facility fails to act in good faith and come into compliance, DHS has the authority to take appropriate enforcement action to bring the facility into compliance.

 **FAQ Number:** 1653 **Date Published:** June 30, 2010 **Last Updated:** March 30, 2017

Question: If a facility is in a location where another entity provides certain security measures (for example: industrial park, co-located facility; office park, etc.), can the facility include these security measures as part of its Site Vulnerability Assessment (SVA)/Site Security Plan (SPP)?

Answer: Yes. Facilities should report all security measures that apply to it in the SVA/SSP so that DHS can properly evaluate the security at the facility. The text boxes in the Chemical Security Assessment Tool (CSAT) SVA/SSP may be used to describe situations, such as shared security measures, in more detail. Sites must be prepared to provide documentation about these procedures even though they are provided by another party.

 **FAQ Number:** 1657 **Date Published:** January 07, 2010 **Last Updated:** October 25, 2017

Question: Does DHS have a list of specific security measures that are required at Chemical Facility Anti-Terrorism Standards (CFATS)-covered high-risk facilities?

Answer: No. The authorizing legislation precludes DHS from prescribing any specific security measure. Specifically, 6 U.S.C. §622 (c)(1)(B)(i) states that the Department “may not disapprove a site security plan based on the presence or absence of a particular security measure.” Rather, the Department is directed to establish risk-based performance standards designed to address high levels of security risk at covered chemical facilities.” The Department “may disapprove a site security plan if the plan fails to satisfy [applicable] risk-based performance standards.” The CSAT Site Security Plan (SSP) Tool is designed to allow each high-risk facility to describe the security measures it will use to meet the applicable Risk-Based Performance Standards. 6 U.S.C. §622 can be found at <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title6/pdf/USCODE-2016-title6-chap1-subchapXVI-sec622.pdf>

 **FAQ Number:** 1658 **Date Published:** January 07, 2010 **Last Updated:** January 02, 2018

Question: What is an Alternate Security Program (ASP)?

Answer: Facilities determined to be high-risk may submit an ASP in place of a Site Security Plan (SSP). While the SSP is a standard question-and-response tool, the ASP allows a facility to develop its own template document for addressing CFATS requirements. An ASP must describe how facility security measures will meet or exceed each applicable **risk-based performance standard** and should appropriately address the tier and security concerns of the covered chemical facility.

 **FAQ Number:** 1659 **Date Published:** January 07, 2010 **Last Updated:** January 07, 2010

Question: What are “planned” measures and why would a facility include them in the SSP?

Answer:

Planned measures are those which the facility has **committed to install/implement**, such as measures that are (1) in the process of being installed/implemented, (2) in the design phase but with an approved and documented capital budget, (3) in the bid process and/or (4) in a pilot phase or in execution as a demonstration project with a documented implementation budget and schedule.

A planned measure **will be considered by DHS** in determining whether the facility's SSP meets the applicable RBPS for the facility's tier and security vulnerability issues. Planned measures not yet in place during inspection must be verified via supporting documentation. Planned measures that are approved by DHS as part of a facility's final SSP must be implemented for the facility to remain in compliance with the approved SSP.

 **FAQ Number:** 1660 **Date Published:** January 26, 2010 **Last Updated:** October 25, 2017

Question: Can a facility's tiering level ever change? How and why?

Answer: Yes. A facility's tier can change based on a revised Top-Screen submitted to DHS.

For example, a tier determination may change if:

1. Facility operations change significantly. This could include, for example, the removal or addition of chemical(s) of interest (COI), changes in operations or processes, and/or changes in threats or 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 supporting documentation, as well as a revised SVA/SSP, if needed.
2. Resubmission of a Top-Screen reveals changes in threat, vulnerability, or consequence. Facilities with approved SVA/SSPs are required to resubmit Top-Screens every two years for Tier 1 and 2 facilities and every three years for Tier 3 and 4 facilities.
3. In rare cases, DHS considers new information about a site, chemical, threat, or process that warrants revising an existing facility's tier up or down. DHS will provide appropriate notification to the facility of the reasons justifying a change in the facility's existing tier.

Please refer to CFATS Tiering Methodology Fact Sheet for more information found at <https://www.dhs.gov/publication/cfats-tiering-methodology-fact-sheet>

 **FAQ Number:** 1666 **Date Published:** May 27, 2010 **Last Updated:** January 02, 2018

Question: Does a covered chemical facility have an obligation to notify DHS if the facility is closing?

Answer: A covered chemical facility that has closed must report the closure to DHS so that the facility record may be archived. Notification is accomplished by submitting a revised Top-Screen. The revised Top-screen is required within 60 days of the material modification (i.e., its closure), in accordance with 6 CFR § 27.210(d) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-210.pdf>. In conjunction with the revised Top-Screen, the facility should submit a letter to the Department via email, letter, or fax to CSAT@hq.dhs.gov ; or IP/ISCD, Mail Stop 8100, Department of Homeland Security, Washington, D.C. 20528-8100; or fax (866) 731-2728 explaining the closure and subsequent material modification, along with any applicable supporting documentation, in accordance with 6 CFR § 27.200(a) which can be found at <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-200.pdf>.

Question: Where can I read about the current indefinite extension to the Top-Screen deadline for agricultural facilities?

Answer: On December 21, 2007, DHS issued a letter indefinitely extending the CFATS Top-Screen deadline for farmers and other agricultural facilities that use chemicals of interest (COI) for certain agricultural purposes. The letter was published in the Federal Register on January 9, 2008 (73 Fed. Reg. 1640). In that letter, DHS explained that the deadline for Top-Screens would be extended for any facility required to submit a Top-Screen *solely* because it possesses any chemical of interest, at or above the applicable screening threshold quantity, for use:

- (a) in preparation for the treatment of crops, feed, land, livestock (including poultry) or other areas of an agricultural production facility; or
- (b) during application to or treatment of crops, feed, land, livestock (including poultry) or other areas of an agricultural production facility.

The extension applies to facilities such as farms (e.g., crop, fruit, nut, and vegetable); ranches and rangeland; poultry, dairy, and equine facilities; turfgrass growers; golf courses; nurseries; floricultural operations; and public and private parks. The extension does not apply to chemical distribution facilities or commercial chemical application services.

Question: How do National Terrorism Advisory System (NTAS) Alerts and Bulletins affect a CFATS Facilities' RBPS 13 compliance responsibilities?

Answer: NTAS consists of two types of advisories that are relevant to a CFATS facility: Alerts and Bulletins.

NTAS Alerts will be based on the nature of the threat and will provide a concise summary of the potential threat, information about actions being taken to ensure public safety; and recommended steps that individuals, communities, businesses and governments can take to help prevent, mitigate or respond to the threat. If available, an NTAS Alert will include information about the geographic region, mode of transportation, or critical infrastructure potentially affected by the threat. Facilities regulated under CFATS are expected to be familiar with the NTAS system and monitor the system for Alerts that apply to the facility. If a covered facility has an approved Site Security Plan (SSP) or Alternative Security Program (ASP) and an NTAS alert has been issued which applies to the facility, the facility would be expected to implement security measures in accordance with their plan for Risk-Based Performance Standard (RBPS) 13 – Elevated Threats.

NTAS Bulletins were added to the advisory system to communicate current developments or general trends regarding threats of terrorism. NTAS Bulletins permit the Secretary to communicate critical terrorism information that, while not necessarily indicative of a specific threat against the United States, can reach homeland security partners or the public quickly, thereby allowing recipients to implement necessary protective measures. CFATS facilities should monitor the system for Bulletins for situational awareness and may use their best judgement to apply the information posted as applicable to the facility.

Further information on NTAS is available at: www.DHS.gov/alert.

Question: How may a corporation with multiple facilities regulated under CFATS request the corporate approach and what benefits does this provide the corporation?

Answer: The Corporate Approach is used to help corporations with multiple CFATS facilities better organize for CFATS regulated activity in order to make activity more efficient. Many corporations have security measures which

are governed by the corporation rather than the facility and thus employed across multiple CFATS regulated facilities within the corporation. These may include items such as personnel surety, cybersecurity, and security policies and procedures. DHS Inspectors can document these corporate-based measures during an Authorization Inspection. This documentation may be included in the other facility case files within the same corporation and be referenced by future inspection teams. Evaluating the corporate-wide security measures can allow the inspection teams to focus on facility-specific measures while on site, thereby reducing the amount of time required for each Authorization Inspection. Each Authorization Inspection will still include a validation that the corporate measures are being employed at the facility level, but will not require an in-depth review of each measure.

To begin the process of requesting a corporate approach, a corporation with two or more CFATS regulated facilities should reach out to an Inspector or Regional Director in the area where the facility's corporate headquarters is located. Another option is to contact the Compliance Case Manager responsible for the region where the majority of your facilities are located. If you do not have this information, you can reach out to the CFATS help desk at 866-323-2957 or CSAT@dhs.gov to request information on your local contacts.

 FAQ Number: 1738	Date Published: July 13, 2015	Last Updated: July 13, 2015
Question: What is the difference between the Expedited Approval Program and the Chemical Facility Anti-Terrorism Standards (CFATS) program?		
Answer: The Expedited Approval Program (EAP) is part of the CFATS program. Participation in the EAP is voluntary and allows final tier 3 and tier 4 facilities to self-certify that their site security plans meet the applicable risk-based performance standards (RBPS) and the prescriptive security measures as outlined within the DHS Guidance for the Expedited Approval Program. Facilities that participate in the EAP bypass the authorization inspection and, if accepted into the EAP, enter straight into the compliance inspection process.		
6 U.S.C. § 622 (c)(4)		

 FAQ Number: 1739	Date Published: July 13, 2015	Last Updated: July 13, 2015
Question: What is the difference between the risk based performance standards (RBPS) Guidance Document and the DHS Guidance for the Expedited Approval Program?		
Answer: The risk-based performance standards (RBPS) Guidance document was developed to assist high-risk chemical facilities in selecting and implementing appropriate protective measures and practices. The document does not establish legally enforceable requirements for facilities subject to Chemical Facility Anti-Terrorism Standards (CFATS), but rather provides examples of measures and practices that a facility may choose to consider as part of its overall strategy to address the RBPS.		
The DHS Guidance for the Expedited Approval Program (EAP) was developed pursuant to the CFATS Act of 2014 (The Act). The Act directed DHS to issue prescriptive guidance that “identifies specific security measures that are sufficient to meet the risk-based performance standards.” This document provides the statutorily required guidance to facilities in tiers 3 or 4 that choose to participate in the Expedited Approval Program. A security plan submitted through the EAP must comply with this prescriptive guidance or must identify any material deviations and explain how the deviations meet the RBPS in accordance with the Guidance.		

 FAQ Number: 1741	Date Published: July 13, 2015	Last Updated: July 13, 2015
Question: I have some security measures in my Expedited Approval Program Site Security Plan that do not meet the specific requirements in the measures outlined in the Guidance for the Expedited Approval Program. Do I have material deviations? What do I do?		

Answer: If a facility plans to submit a Site Security Plan (SSP) under the Expedited Approval Program (EAP) which contains security measures that do not meet the specific requirements of the measures in the guidance, then the facility has material deviations and must identify those deviations. The facility must indicate in the security plan how each materially deviating measure accomplishes the security outcomes required by the relevant portions of the applicable risk-based performance standards (RBPS). Material deviations and the relevant portions of the RBPS are described for each specific required security measure in the DHS Guidance for the Expedited Approval Program.

Refer to the example SSP in Attachment 2 of the DHS Guidance for the Expedited Approval Program for an example of a material deviation description.

6 U.S.C § 622 (c)(4)(B)(ii)

 **FAQ Number:** 1742 **Date Published:** July 13, 2015 **Last Updated:** July 13, 2015

Question: What criteria does DHS use to determine if a Site Security Plan submitted through the Expedited Approval Program is facially deficient?

Answer: DHS will find an Expedited Approval Program (EAP) Site Security Plan (SSP) to be facially deficient if it does not support a certification based on a review of the facility's SSP, Top-Screen, Security Vulnerability Assessment (SVA), or any other information that the facility submits to DHS or that the Department obtains from a public source or other source.

If a facility fails to adequately address the relevant portions of the applicable risk-based performance standards (RBPS) for each security measure outlined in the DHS Guidance for the Expedited Approval Program, then the facility's SSP will be deemed facially deficient. Specifically, a facility's SSP will be determined facially deficient if:

- A.) The facility's SSP does not include existing and/or planned measures which satisfy all applicable RBPS; or
- B.) The facility materially deviates from the DHS Guidance for the Expedited Approval Program and the deviation does not comply with the security requirements of the applicable RBPS that are set forth in the Guidance; and/or
- C.) The facility's SSP contains a misrepresentation, omission, or inaccurate description resulting in the facility failing to satisfy one or more applicable RBPS.

6 U.S.C. § 622 (c)(4)(G)

 **FAQ Number:** 1743 **Date Published:** July 13, 2015 **Last Updated:** October 25, 2017

Question: What happens if the Expedited Approval Program (EAP) Site Security Plan (SSP) for my facility is deemed facially deficient? How will DHS notify the facility?

Answer: Under the EAP, DHS has 100 days from the date of the submission to determine whether an SSP is facially deficient. If your facility is deemed facially deficient, DHS will provide your facility with a written notification of the facial deficiency that outlines "a clear explanation of each deficiency in the Site Security Plan [SSP]." The letter also provides instruction on next steps for the facility. When DHS determines that an SSP submitted through the EAP is facially deficient, the facility must re-enter the regular CFATS process. If the facility has not previously submitted an SSP or Alternative Security Program (ASP), the facility must submit an SSP or ASP through the regular CFATS program by the date specified in the facility's letter of facial deficiency. If the facility had previously submitted an SSP or ASP before entering the EAP, the facility will re-enter the regular CFATS program at the stage at which it left the process, unless it specifically requests to begin again.

6 U.S.C. §622(c)(4)(G) can be found at <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title6/pdf/USCODE-2016-title6-chap1-subchapXVI-sec622.pdf>><https://www.gpo.gov/fdsys/pkg/USCODE-2016-title6/pdf/USCODE-2016-title6-chap1-subchapXVI-sec622.pdf>

 **FAQ Number:** 1744 **Date Published:** July 13, 2015 **Last Updated:** July 13, 2015

Question: How will DHS notify me if I have a facially deficient Site Security Plan under the Expedited Approval Program?

Answer: Under the Expedited Approval Program (EAP), DHS has 100 days from the date of the submission to determine whether a Site Security Plan (SSP) is facially deficient. If DHS determines that the SSP is facially deficient, the Department will provide written notification to the facility that includes a clear explanation of each deficiency in the SSP.

6 U.S.C. § 622 (c)(4)(G)(i)

 **FAQ Number:** 1745 **Date Published:** July 13, 2015 **Last Updated:** March 30, 2017

Question: If a facility has submitted a Site Security Plan (SSP) or an Alternative Security Plan (ASP) in lieu of an SSP, but does not have an approval, can it still be part of the Expedited Approval Program (EAP)?

Answer: Yes, any covered chemical facility that is assigned to Tier 3 or 4 may submit an EAP SSP and accompanying certification provided that the facility meets the deadlines set forth in 6 USC § 622(c)(4)(D) found at <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title6/pdf/USCODE-2015-title6-chap1-subchapXVI-sec622.pdf>. Specifically, the facility's EAP SSP submission must be made within 120 days after the facility receives its assignment to Tier 3 or 4. In addition, prior to submitting the EAP SSP, the facility must first give DHS 30 days advance notice of the facility's intent to participate in the EAP. A Tier 3 or 4 facility may submit an EAP SSP within the allowable time frame even if the facility has already submitted an SSP or ASP that is still pending review by the Infrastructure Security Compliance Division (ISCD).

 **FAQ Number:** 1746 **Date Published:** July 13, 2015 **Last Updated:** October 25, 2017

Question: What is the deadline for Tier 3 and 4 facilities to submit their Expedited Approval Program Site Security Plans (EAP SSP)?

Answer: Under 6 U.S.C. §§ 622(c)(4)(D)(i) & (ii)(I)(aa), a covered chemical facility that is assigned to tier 3 or 4 has 120 days after its tier assignment to submit an EAP SSP. Additionally, the facility must notify DHS of its intent to participate in the EAP at least 30 days prior to submitting its EAP SSP.

6 U.S.C. § 622(c)(4)(D) can be found at <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title6/pdf/USCODE-2016-title6-chap1-subchapXVI-sec622.pdf>

 **FAQ Number:** 1749 **Date Published:** July 13, 2015 **Last Updated:** July 13, 2015

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.

 **FAQ Number:** 1750 **Date Published:** July 13, 2015 **Last Updated:** July 13, 2015

Question: What happens after I submit my Expedited Approval Program Site Security Plan (EAP SSP)?

Answer: DHS has 100 days to review your facility's EAP SSP after submission. Once DHS has reviewed the EAP SSP, two immediate possible outcomes can occur.

If the review is satisfactory, DHS will issue a "letter of acceptance" that notifies the facility they have met all the requirements outlined in the Guidance. The facility will also receive a letter of acceptance if DHS fails to review the submission within 100 days. The facility will then enter the regular compliance inspection cycle.

If the review is not satisfactory, the facility will be issued a letter of facial deficiency and must re-enter the regular Chemical Facility Anti-Terrorism Standards (CFATS) process. If the facility has not previously submitted a SSP or Alternative Security Program (ASP), the facility must submit an SSP or ASP through the regular CFATS program by the date specified in the facility's letter of facial deficiency. If the facility had previously submitted an SSP or ASP before entering the EAP, the facility will re-enter the regular CFATS program at the stage at which it left the process, unless it specifically requests to begin again.

6 U.S.C. § 622(c)(4)

 **FAQ Number:** 1751 **Date Published:** July 13, 2015 **Last Updated:** March 30, 2017

Question: If my facility has been issued a “letter of acceptance” through the Expedited Approval Program (EAP), but then the Department of Homeland Security (DHS) discovers that the measures in the Site Security Plan (SSP) insufficiently meet the risk-based performance standards (RBPS) during a compliance inspection, what happens?

Answer: If during a compliance inspection DHS determines that planned or implemented security measures in the facility’s EAP SSP are insufficient to meet the risk-based performance standards (RBPS) based on misrepresentation, omission, or an inadequate description of the site, DHS may require additional security measures or suspend the certification of the facility. Upon suspension, DHS will recommend additional security measures that, if made part of the SSP, would allow DHS to approve the SSP. The facility must then, within 90 days of receiving the Department’s recommended additional security measures, submit a new or modified SSP and certification. If a suspended facility fails to submit an amended EAP SSP or fails to include the necessary measures in their SSP, DHS may revoke the facility’s certification.

6 USC § 622(c)(4)(G)(ii) <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title6/pdf/USCODE-2015-title6-chap1-subchapXVI-sec622.pdf>

 **FAQ Number:** 1752 **Date Published:** July 13, 2015 **Last Updated:** July 13, 2015

Question: Who can certify a facility’s Expedited Approval Program Site Security Plan (EAP SSP)?

Answer: Only the owner or operator of the facility can sign the certification for the facility’s EAP SSP, per the statute.

6 U.S.C. § 622(c)(4)(C)

 **FAQ Number:** 1754 **Date Published:** July 20, 2015 **Last Updated:** July 20, 2015

Question: Does a facility have to report temporary holdings of Chemicals of Interest (COI) at or above the Screening Threshold Quantity (STQ)?

Answer: Yes. A facility must file a Top-Screen to report all COI holdings at or above the STQ regardless of how long the facility is in possession of the COI. Pursuant to 6 CFR 27.210(a)(1)(i), a facility is required to file a Top-Screen within 60 calendar days of coming into possession of any of the chemicals listed in Appendix A at or above the STQ. However, the Department will work with the facility to address Top-Screen, Site Vulnerability Assessment (SVA), and/or Site Security Plan (SSP) submission schedules if the facility has fluctuating COI or has known future COI holdings. See 6 C.F.R. 27.210(c).

 **FAQ Number:** 1755 **Date Published:** September 24, 2015 **Last Updated:** September 24, 2015

Question: I am the owner/operator of a farm that maintains Anhydrous Ammonia (AA) at or above the Chemical Facility Anti-Terrorism Standards (CFATS) Screening Threshold Quantity (STQ) of 10,000 lbs. for use as a refrigerant in a cold storage facility for fresh produce (fruits, vegetables, etc.). Is my facility eligible to claim the CFATS Agricultural Production Facility (APF) Top-Screen extension?

Answer: The extension applies only to APFs’ use of Chemicals of Interest (COI) *in preparation for the treatment of* crops, feed, land, livestock (including poultry) or other areas of an agricultural production facility or *during application to or treatment of* crops, feed, land, livestock (including poultry) or other areas of the facility. Therefore, if your facility possesses COI at or above the STQ for any other purpose, your facility is **not** eligible to claim the CFATS APF Top-Screen extension for such COI, and you must comply with the CFATS regulation by submitting a Top-Screen.

 **FAQ Number:** 1756 **Date Published:** September 09, 2015 **Last Updated:** July 30, 2018

Question: What action is required if a facility needs to change owner and/or operator names when it is not related to a transfer of ownership?

Answer: If there are name changes related to a Chemical Facility Anti-Terrorism Standards (CFATS) facility that occur for reasons other than a facility purchase (e.g., a corporate merger; a corporate realignment; a simple owner, operator, or facility name change), the Department of Homeland Security (DHS) offers the option for this information to be revised rather than requiring a new facility registration. These revisions may be made under the following conditions:

- There are no substantive changes to the chemical(s) of interest (COI) holdings or processes at the facility that would fall under the CFATS regulation.
- There are no changes to the facility that would affect the overall security posture of the facility or its vulnerabilities.

Requirements

DHS must approve this option.

The facility must write a letter providing details about the proposed changes. The letter should contain the old and new facility name, owner, operator, and parent company, as applicable. The letter should be written on company letterhead and addressed as follows:

Director
Infrastructure Security Compliance Division
Office of Infrastructure Protection
MS 0610
Department of Homeland Security
Washington, DC 20528

The letter should be faxed to the CSAT Help Desk (866-731-2728).

CVI Disclosure

If any letters submitted to DHS for review contain any CVI information, the letter must be properly marked, packaged, and sent in accordance with the CFATS regulations for protection of CVI (see 6 CFR § 27.400). A copy of the CFATS regulation, including the CVI requirements in 6 CFR § 27.400, is available at <https://www.dhs.gov/critical-infrastructure-chemical-security>.

 **FAQ Number:** 1758 **Date Published:** September 24, 2015 **Last Updated:** September 24, 2015

Question: I am the owner/operator of a farm that maintains Anhydrous Ammonia (AA) at or above the Chemical Facility Anti-Terrorism Standards (CFATS) Screening Threshold Quantity (STQ) for commercial sale and distribution to facilities that then use my business's product for treatment of crops. Is my facility eligible to claim the CFATS Agricultural Production Facility (APF) Top-Screen extension?

Answer: If your facility possesses COI at or above the STQ *for commercial sale and distribution*, your facility is **not** eligible to claim the CFATS APF Top-Screen extension for such COI, and you must comply with the CFATS regulation by submitting a Top-Screen. The facilities to which your business distributes, however, may be eligible for the APF Top-Screen extension for COI used during the application or treatment of crops.

 **FAQ Number:** 1759 **Date Published:** September 24, 2015 **Last Updated:** September 24, 2015

Question: I am the owner/operator of a facility that maintains Anhydrous Ammonia (AA), Ammonium Nitrate, Potassium Nitrate, Sodium Nitrate or any other Chemical of Interest (COI) at or above the Chemical Facility Anti-Terrorism Standards (CFATS) Screening Threshold Quantity (STQ) for commercial chemical application services. Is my facility eligible to claim the CFATS Agricultural Production Facility (APF) Top-Screen extension?

Answer: If your facility possesses COI at or above the STQ *for commercial chemical application services*, your facility is **not** eligible to claim the CFATS APF Top-Screen extension for such COI, and you must comply with the CFATS regulation by submitting a Top-Screen.

 **FAQ Number:** 1760 **Date Published:** September 24, 2015 **Last Updated:** September 24, 2015

Question: I am the owner/ operator of a business that maintains Anhydrous Ammonia (AA) at or above the Chemical Facility Anti-Terrorism Standards (CFATS) Screening Threshold Quantity (STQ) for BOTH the treatment of crops and for use as a refrigerant in a cold storage facility. Is my facility eligible to claim the CFATS Agricultural Production Facility (APF) Top-Screen extension?

Answer: If your facility maintains COI at or above the STQ for use as a refrigerant, that particular use of the COI is **not** eligible for the APF Top-Screen extension. However, the portion of COI that your facility uses for treatment of crops would be eligible for the APF Top-Screen extension. Therefore, your Top-Screen would need to include only the COI at or above the STQ that is **not used for the treatment of crops**.

 **FAQ Number:** 1761 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: I have misplaced my Chemical-terrorism Vulnerability Information (CVI) certificate. How can I retrieve a copy?

Answer: You may contact the CSAT Help Desk at csat@hq.dhs.gov or 1-866-323-2957 to request a copy of your certificate. You will need to provide the Help Desk Operator your name and the email address under which you took your CVI training.

 **FAQ Number:** 1762 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: Can our company's human resources department request a change in contact information to receive the Chemical-terrorism Vulnerability Information (CVI) certificates?

Answer: No, only the CVI Authorized User can change the contact information for their CVI certificate. The CVI Authorized User may contact the CSAT Help Desk at csat@hq.dhs.gov or by phone at 1-866-323-2957 to request those changes.

 **FAQ Number:** 1763 **Date Published:** February 05, 2016 **Last Updated:** May 10, 2016

Question: Why are my Chemical-terrorism Vulnerability Information (CVI) documents and information located in my Chemical Security Assessment Tool (CSAT) account inaccessible?

Answer: You cannot view your CVI documents and information within CSAT because your CVI identification number is not synchronized with your CSAT account.

You can synchronize your accounts from either the CSAT tool, <https://csat-registration.dhs.gov/>, or the CVI training site, <https://cvi.dhs.gov/training>.

Once your CSAT User Account is associated with your CVI Authorized User training record, you will then be able to access CVI sensitive links within the CSAT application.

Note: The email address from the CVI Authorized User training record must match the email address associated with the CSAT User Account in order to complete synchronization between the CVI and CSAT accounts.

 **FAQ Number:** 1764 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: How long will a facility have to implement the approved security measures to check for terrorist ties (Risk-Based Performance Standard (RBPS) 12(iv)) in its Site Security Plan (SSP)/Alternative Security Program (ASP)?

Answer: The Department will expect that, unless otherwise noted in an approved SSP or ASP, the security measures necessary to check for terrorist ties will be completed within 60 days of approval of the facility's modified SSP/ASP. A facility may also suggest alternative schedules based on the unique circumstances in the facility's SSP/ASP.

Note: DHS has the authority to require facilities to implement this program after the facility receives a Letter of Authorization authorizing an SSP/ASP without a condition for RBPS 12(iv); however, DHS is not exercising this authority at this time.

 **FAQ Number:** 1765 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: What does a facility need to do to comply with the Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program requirements that are in effect now that the program has been implemented?

Answer: DHS recommends that facilities familiarize themselves with the contents of the notice of implementation available at <https://www.federalregister.gov/articles/2015/12/18/2015-31625/chemical-facility-anti-terrorism-standards-personnel-surety-program>, but no action is required until the facility is contacted by the Department.

Because DHS is rolling out the Personnel Surety Program in a phased manner, facilities should wait to be contacted by the Department before altering their Site Security Plan (SSP)/Alternative Security Program (ASP). The Department will be contacting Tier 1 and 2 facilities on an individual basis, walking them through the necessary information to add to their SSP/ASP, and providing an optional supplement that identifies the information the Department will require in order to make a determination on the facility's ability to satisfy Risk-Based Performance Standard (RBPS) 12(iv).

 **FAQ Number:** 1766 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: Does DHS allow facilities to contract out the submission of information under Option 1 or Option 2 for the Personnel Surety Program in Risk-Based Performance Standards (RBPS) 12(iv) to third parties?

Answer: Facilities have the flexibility to decide how to implement the requirement to vet facility personnel and unescorted visitors with or seeking access to restricted areas and critical assets at high-risk chemical facilities. This could include designating a third party or multiple third parties (e.g., contractors) to perform this submission.

 **FAQ Number:** 1767 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: Will the facility be notified if the Department learns that an affected individual has terrorist ties?

Answer: To prevent a significant threat to a facility or loss of life, a high-risk chemical facility will be contacted where appropriate and in accordance with federal law and policy and law enforcement and intelligence requirements.

 **FAQ Number:** 1768 **Date Published:** February 05, 2016 **Last Updated:** February 05, 2016

Question: When will DHS grant access to the Chemical Security Assessment Tool (CSAT) Personnel Surety Program application if a facility chooses to meet Risk-Based Performance Standard (RBPS) 12(iv) by selecting Option 1 or Option 2 in its Site Security Plan (SSP)/Alternative Security Program (ASP)?

Answer: The Department will grant access to the CSAT Personnel Surety Program application when the Department approves an SSP/ASP without an RBPS 12(iv) condition. At that time, the facility will be informed it may begin submitting information about affected individuals.

 **FAQ Number:** 1769 **Date Published:** February 12, 2016 **Last Updated:** February 12, 2016

Question: My facility must perform background checks in accordance with the Risk-Based Performance Standard (RBPS) 12 "Personnel Surety" on affected individuals. Who is an affected individual?

Answer: Pursuant to the Chemical Facility Anti-Terrorism Standards(CFATS), Personnel Surety protocol requires

facilities to “perform appropriate background checks on and ensure appropriate credentials for facility personnel, and as appropriate, for unescorted visitors with access to restricted areas and critical assets, including, (i) measures designed to verify and validate identity; (ii) measures designed to check criminal history; (iii) measures designed to verify and validate legal authorization to work; and (iv) measures designed to identify people with terrorist ties.” See 6 C.F.R. § 27.230(a)(12), available at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=7fd8c9c0535dd4f50a6b2361f7c2940a&mc=true&node=pt6.1.27&rgn=div5>.

The CFATS rule requires two categories of individuals to undergo background checks. The Department refers to these as “affected individuals.” Specifically, affected individuals are:

- Facility personnel who have or are seeking access, either unescorted or otherwise, to restricted areas or critical assets; and
- Unescorted visitors who have or are seeking access to restricted areas or critical assets.

The regulatory text makes no distinction between facility personnel who are escorted and facility personnel who are unescorted, and uses the term “unescorted” to modify only the noun “visitors.” As such, if facility personnel have access, either unescorted or escorted, to restricted areas or critical assets, they are deemed to be affected individuals who must be screened for the purposes of the Personnel Surety protocol.

 **FAQ Number:** 1770 **Date Published:** May 24, 2016 **Last Updated:** May 24, 2016

Question: Can Chemical-terrorism Vulnerability Information (CVI) be released under the Freedom of Information Act (FOIA)?

Answer: No. Notwithstanding the Freedom of Information Act or FOIA (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and other laws, in accordance with the Homeland Security Act as amended by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, [Public Law 113-254](#), and 6 C.F.R. § 27.400(g), records containing CVI are not available for public inspection or copying, and the Department does not release such records to persons without a need to know.

Further, as provided in 6 C.F.R. § 27.405, no law, regulation, or administrative action of a State or political subdivision thereof shall have any effect if such law or regulation conflicts with the Chemical Facility Anti-Terrorism Standards (CFATS). Requests for CVI under State or local FOIA or open records laws should be referred to the DHS National Protection and Programs Directorate (NPPD) Information Management and Disclosure Office, NPPD.FOIA@hq.dhs.gov.

If a record contains both information that may not be disclosed under Public Law 113-254 and information that may be disclosed, the latter information may be provided in response to a FOIA request, provided that the record is not otherwise exempt from disclosure under FOIA and that it is practical to redact the protected CVI from the requested record.

Note: Please refer to the “Safeguarding Information Designated as Chemical-terrorism Vulnerability Information (CVI) Handbook” for more information. The Handbook is available at <https://www.dhs.gov/publication/safeguarding-information-cvi-manual>.

 **FAQ Number:** 1771 **Date Published:** April 13, 2016 **Last Updated:** April 13, 2016

Question: What documentation will I be asked to provide or make available for the inspector during an Expedited Approval Program (EAP) Compliance Inspection (CI)?

Answer: The documents and materials an inspector may request from a facility during an EAP CI will not differ from

the documents and materials that are requested of a facility during a regular compliance inspection. Documents that may be requested will be material which supports the facility's implementation of their EAP Site Security Plan (SSP) and demonstrates the facility's compliance with the Chemical Facility Anti-Terrorism Standards (CFATS).

 **FAQ Number:** 1772 **Date Published:** April 13, 2016 **Last Updated:** April 13, 2016

Question: Who will conduct the Chemical Facility Anti-Terrorism Standards (CFATS) Compliance Inspections for facilities in the Expedited Approval Program (EAP)?

Answer: The Department may conduct EAP Compliance Inspections using (i) employees of DHS, (ii) non-departmental or nongovernmental personnel approved by the Secretary and in coordination with DHS personnel, or (iii) a combination of these two types of personnel. Currently, all inspections are conducted by DHS Chemical Security Inspectors located in all 10 regions of the United States.

 **FAQ Number:** 1773 **Date Published:** October 04, 2016 **Last Updated:** October 04, 2016

Question: "Solid ammonium nitrate," in the Chemicals of Interest (COI) column of Appendix A, is listed as "Ammonium nitrate, solid [nitrogen concentration of 23% nitrogen or greater]" and has a minimum concentration of 33% under the Theft/Diversion security issue. In calculating whether a facility has a Screening Threshold Quantity (STQ) of solid ammonium nitrate in a mixture, does the facility look at the percentage of the nitrogen in the mixture or the percentage of the ammonium nitrate in the mixture?

Answer: Facilities should use the percentage of solid ammonium nitrate in a mixture to determine whether the mixture meets the minimum concentration of 33% to be counted towards the STQ. If a facility possesses solid ammonium nitrate in a mixture, the facility must count the entire weight of the mixture towards the STQ for solid ammonium nitrate if (1) the percentage of solid ammonium nitrate in the mixture is at or above 33% (the minimum concentration for solid ammonium nitrate listed in Appendix A) and (2) the mixture is in transportation packaging. See 6 C.F.R. 27.203(c) and 204(b).

The parenthetical phrase on Appendix A under solid ammonium nitrate, "nitrogen concentration of 23% nitrogen or greater," refers to the chemical composition of the ammonium nitrate, which is always greater than 23% nitrogen. Facilities should NOT use the nitrogen concentration in a mixture to determine whether the mixture meets the minimum concentration requirements to be counted towards the STQ.

 **FAQ Number:** 1777 **Date Published:** February 27, 2017 **Last Updated:** April 10, 2019

Question: How do I determine "Need to Know" under Chemical-terrorism Vulnerability Information (CVI)?

Answer: Access to CVI requires that an individual: (1) has a "need to know" the information; and (2) is a CVI Authorized User.

1. A person, including a state or local official, law enforcement, and first responders, has a need to know CVI in each of the following circumstances:
 - i. When the person requires access to specific CVI to carry out chemical facility security activities approved, accepted, funded, recommended, or directed by the Department;
 - ii. When the person needs the CVI information to receive training to carry out chemical facility security activities approved, accepted, funded, recommended, or directed by the Department;
 - iii. When the CVI information is necessary for the person to supervise or otherwise manage individuals who carry out chemical facility security activities approved, accepted, funded, recommended or directed by the Department;

- iv. When the person needs the information to provide technical or legal advice to a covered person, who has a need to know the information, regarding chemical facility security requirement of Federal law; or
 - v. When DHS determines that access by that person to specific information is required in the course of judicial or administrative proceedings.
2. In addition, federal employees, contractors, and grantees have a need to know CVI in each of the following circumstances:
 - i. If access to the information is necessary for performance of the federal employee's official duties;
 - ii. If access to the information is necessary for the performance of the contract or grant. Contractors or grantees may not further disclose CVI without the consent of the Assistance Secretary.
 3. DHS may require that non-Federal persons seeking access to CVI complete a non-disclosure agreement before such access is granted.
 4. DHS may make an individual's access to the CVI dependent upon satisfactory completion of a security background check or other procedures and requirements for safeguarding CVI that are satisfactory to DHS.
 5. DHS may limit the number of individuals with a valid need to know. For some specific CVI, DHS may make a finding that only specific persons or classes of persons have a need to know.
 6. Nothing prevents DHS from determining, in its discretion, which person(s) has a need to know CVI in a particular circumstance.

Note: Please refer to "Safeguarding Information Designated as Chemical-terrorism Vulnerability Information (CVI) Revised Procedure Manual" available at <https://www.dhs.gov/publication/safeguarding-cvi-manual> for more information.



FAQ Number: 1778

Date Published: February 27, 2017

Last Updated: October 12, 2018

Question: The Department of Transportation (DOT), pursuant to 49 Code of Federal Regulations (C.F.R.) Part 107, has granted my facility a special permit that exempts sabotage/contamination Chemicals of Interest (COI) shipments from placarding requirements of Subpart F of 49 CFR Part 172. Pursuant to the Chemical Facility Anti-Terrorism Standards (CFATS) 6 C.F.R. Part 27, is my facility still required to report its sabotage/contamination COI holdings?

Answer: Yes. A facility must report all sabotage/contamination COI holdings that meet the threshold requirements for placarding pursuant to Subpart F of 49 C.F.R. Part 172; even if the facility has a special permit pursuant to 49 C.F.R. Part 107 that exempts the shipments from the placarding requirements.

See 49 C.F.R. Part 172 Subpart F, available at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=a0b3b0b32f75520e24fc190d53988e2f&mc=true&node=sp49.2.172.f&rgn=div6>.

See 49 C.F.R. Part 107 available at: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr107_main_02.tpl.

See 6 C.F.R. Part 27 available at: <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6263c8db992c08e2fc095aedabefe638&r=PART&n=6y1.0.1.1.11>.



FAQ Number: 1779

Date Published: February 27, 2017 **Last Updated:** February 27, 2017

Question: A local governmental entity operates a Public Water System (PWS) consisting of two separate facilities. Facility “A” receives a Chemical of Interest (COI) above the applicable Screening Threshold Quantity (STQ), off-loads and uses some of the COI, and then repackages the unused COI and ships it for use at PWS Facility “B.” At both facilities, the COI is used exclusively to treat drinking water to enable consumption by residents of the community serviced by the PWS. Is PWS Facility “A” required to submit a Top-Screen to report the COI to DHS, or is PWS Facility “A” an excluded facility under “The Protecting and Securing Chemical Facilities from Terrorist Attacks of 2014” Public Law 113-254 (6 U.S.C. § 621 et seq.)?

Answer: In the scenario described above, DHS considers PWS Facility “A” to be an excluded facility. The Protecting and Securing Chemical Facilities from Terrorist Attacks of 2014’s statutory exclusion for Public Water Systems refers to section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f). The latter provision’s definition of a “public water system” is “a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes (i) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.” Applying this definition to the facts described above, all collection, treatment, storage, and distribution is being conducted by a single operator, and the COI is being used solely in connection with drinking water treatment within the operator’s system. Accordingly, the PWS does not need to report any of the COI shipped by Facility “A” for use at Facility “B.”



FAQ Number: 1782

Date Published: July 04, 2017 **Last Updated:** October 25, 2017

Question: Are there any facilities statutorily excluded from CFATS?

Answer: Yes, the following types of facilities are statutorily excluded from CFATS:

1. Maritime Transportation Security Administration (MTSA) Facilities - Facilities regulated under 33 CFR Part 105 – Maritime Security, <https://www.gpo.gov/fdsys/pkg/FR-2003-10-22/pdf/03-26348.pdf>, are excluded from CFATS. For facilities where only a portion of the facility is regulated under MTSA, and the facility possesses a threshold level of a chemical of interest in the portion of the facility not covered under MTSA, then the facility is only partially exempt and must complete a Top-Screen for the portion of the facility not subject to MTSA.

2. Public Water System Facilities - A public water system is defined in the Safe Drinking Water Act (SDWA), <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title42/pdf/USCODE-2015-title42-chap6A-subchapXII-partA-sec300f.pdf>, as a system for the provision of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. While an entire facility may be construed as a public water system, there may be facilities for which the public water system is only one asset contained within a larger facility. In those cases, the facility shall complete a Top-Screen for the portion of the facility that is not a public water system regulated under the SDWA.

3. Treatment Works Facilities - The Federal Water Pollution Control Act, <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title33/pdf/USCODE-2015-title33-chap26-subchapII-sec1292.pdf> defines treatment works facilities as any device/system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. In addition, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

4. Department of Defense (DoD) Facilities - Facilities owned or operated by DoD or any component thereof are excluded from CFATS. This exclusion does not apply to contractor-owned, contractor-operated facilities, even if DoD is the only facility customer or if the facility is subject to DoD security requirements.

5. Department of Energy (DOE) Facilities - This exclusion applies to facilities owned or operated by DOE or any

component thereof. This exclusion does not apply to contractor-owned, contractor-operated facilities, even if DOE is the only facility customer or if the facility is subject to DOE security requirements.

6. Nuclear Regulatory Commission (NRC) Facilities - Facilities subject to regulation by the NRC or by an Agreement State, <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title42/pdf/USCODE-2015-title42-chap23-divsnA-subchapI-sec2021.pdf>, are excluded from CFATS where the NRC or an Agreement State have imposed significant security requirements on most of the facility. The exclusion does not apply to NRC-licensed facilities that only have a few radioactive sources and for which NRC security requirements are not imposed. The scope of exclusion has been formalized in a memorandum of understanding between DHS and the NRC including waste in combined storm water and sanitary sewer systems.

 **FAQ Number:** 1784 **Date Published:** August 04, 2017 **Last Updated:** August 04, 2017

Question: Does a facility have to count theft/diversion chemicals of interest in transportation packaging towards the screening threshold quantity if the packaging is on or attached to motive power to include overnight?

Answer: Yes. 6 CFR Part 27.203(c) states that facilities must calculate theft/diversion chemicals of interest in transportation packaging, as defined in 49 CFR 171.8, when calculating whether a facility is at or above the screening threshold quantity as defined in Appendix A.

6 CFR Part 27.203(b)(ii) indicates that release chemicals of interest attached to motive power are not counted towards the facility's screening threshold quantity (release is only counted when detached from the motive power). However, the Rule does not provide that same exception for theft/diversion chemicals of interest in transportation packaging on or attached to motive power. Therefore, theft/diversion chemicals are reportable whether or not attached to motive power. For further explanation of "motive power", see page 65398 of the preamble Vol. 72, No. 223, Tuesday, November 20, 2007.

 **FAQ Number:** 1785 **Date Published:** August 15, 2017 **Last Updated:** August 15, 2017

Question: How does the Department of Homeland Security (DHS) Notify a Facility of Its Tiering?

Answer: Based on the information the Department receives from a facility in accordance with § 27.200 and § 27.205 (including information submitted through the Top-Screen), the Department makes a determination as to a facility's placement in a risk-based tier. The Department shall notify a facility of the Department's determination of the facility's placement in a risk-based tier (ranging from highest risk facilities in Tier 1 to lowest risk facilities in Tier 4).

The covered facility will receive written notification of the Department's determination of the facility's placement in a risk-based tier through the Chemical Security Assessment Tool (CSAT). The Submitters or Authorizers that receive a notification of, "A New CSAT Letter is Available for Your Facility Survey XXXXXXXX", must access the DHS communication electronically via the CSAT Portal.

To access communications regarding Risk-Based Tiering, the Submitter or Authorizer must log into the CSAT portal at <https://csat.dhs.gov/industry> using his/her CSAT username and password. The Submitter or Authorizer must be a Chemical Vulnerability Information (CVI) Authorized User, and the Submitter's or Authorizer's CVI number must be associated with his/her CSAT user account.

 **FAQ Number:** 1786 **Date Published:** November 03, 2017 **Last Updated:** November 03, 2017

Question: How should a facility report anhydrous ammonia that undergoes various changes in temperature, pressure, and physical state within a refrigeration system?

Answer: The total mass quantity within the system and the physical state, temperature, and pressure of the ammonia as it exists in the vessel(s) downstream of the condenser(s) should be reported.

 **FAQ Number:** 1787 **Date Published:** January 02, 2018 **Last Updated:** January 02, 2018

Question: How have covered chemical facilities generally complied with 6 CFR 27.230(a)(12)(ii), which requires facilities to verify an affected individual is legally authorized to work?

Answer: Generally, covered chemical facilities have opted to comply with 6 CFR 27.230(a)(12)(ii) <https://www.gpo.gov/fdsys/pkg/CFR-2017-title6-vol1/pdf/CFR-2017-title6-vol1-sec27-230.pdf>, by leveraging their existing compliance with the Immigration Reform and Control Act of 1986. Specifically, covered chemical facilities have described in their SSP that they will ensure all affected individuals will be submitted to E-Verify or have an I-9 form completed, prior to granting them access to restricted area(s) and critical asset(s). The Immigration Reform and Control Act of 1986 also authorizes employers to continue to employ certain individuals hired prior to November 7, 1986 even if they cannot satisfy the E-Verify and I-9 requirements for such employees. Accordingly, a covered chemical facility can demonstrate compliance with 6 CFR 27.230(a)(12)(ii) by maintaining records confirming that any employee with access to restricted area(s) and critical asset(s) was hired prior to November 7, 1986 and has been continuously employed by the facility since that date.

For more information about the Immigration Reform and Control Act of 1986 please refer to <https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+8%2FChapter+I%2FSubchapter+B%2FPart+204&granuleId=CsubpartA&packageId=CFR-2012-title8-vol1&oldPath=Title+8%2FChapter+I%2FSubchapter+B%2FPart+204&fromPageL>

 **FAQ Number:** 1788 **Date Published:** January 02, 2018 **Last Updated:** January 02, 2018

Question: How may a facility request an extension for a survey that is coming due?

Answer: A Facility Submitter may request a due date extension for a survey (i.e. a Top-Screen, Security Vulnerability Assessment (SVA)/Site Security Plan (SSP) in the CSAT system. The “Request Extension” button is visible to the Submitter on the facility details. The request should include the reason the facility is requesting the due date extension and the purposed new due date. Upon receipt of the extension request, the Department will review all relevant information and notify the facility of the Department’s decision through CSAT.

 **FAQ Number:** 1789 **Date Published:** February 08, 2018 **Last Updated:** April 10, 2019

Question: How does the Department define truck terminals as referred to in the Chemical Facility Anti-Terrorism Standards (CFATS) Final Rule?

Answer: Truck terminals, for the purposes of CFATS, are facilities which serve as a temporary waypoint in the transportation system between a shipment’s point of origin and final destination. While at a truck terminal, the freight remains in its original shipping container and is not opened, regardless of the freight’s dwell time at a truck terminal. Truck terminals are thus distinguishable from distribution centers at which freight is removed from its original shipping container and assembled or repackaged for follow-on shipment using different inbound-outbound modes of transportation.

Distribution centers are required to submit Top-Screens if they possess threshold quantities of any Appendix A Chemical of Interest (COI); however, DHS does not presently require COI in shipping containers at truck terminals to be reported under CFATS. For more information on this topic, please reference the Appendix to Chemical Facility Anti-Terrorism Standards: Final Rule, Section III (B) (5), 72 Fed. Reg. 65415 (Nov. 20, 2007), available at: <https://www.dhs.gov/publication/appendix-final-rule>.

 **FAQ Number:** 1790 **Date Published:** April 24, 2018 **Last Updated:** April 24, 2018

Question: What is CFATS? – a video tutorial

Answer:

This video may take several minutes to download.
Your browser does not support HTML5 video.

 **FAQ Number:** 1791

Date Published: April 24, 2018

Last Updated: April 24, 2018

Question: What are Reportable Chemicals? – a video tutorial

Answer:

This video may take several minutes to download.
Your browser does not support HTML5 video.

 **FAQ Number:** 1792

Date Published: August 31, 2018

Last Updated: August 31, 2018

Question: Does the Department have any video tutorials to educate stakeholders about Chemical Security Assessment Tool (CSAT) 2.0?

Answer: The Department has produced three video tutorials to educate stakeholders about the various surveys and applications housed within CSAT 2.0.

- CSAT 2.0 Portal: <https://share.dhs.gov/p10v5s5x0u5/>
- CSAT 2.0 Top-Screen: <https://share.dhs.gov/p7got8g596a>
- CSAT 2.0 SVA/SSP: <https://share.dhs.gov/p14erpzfkcz/>

For all questions, please contact CFATS@hq.dhs.gov.

 **FAQ Number:** 1793

Date Published: June 17, 2019

Last Updated: June 17, 2019

Question: When does a covered facility under the Chemical Facility Anti-terrorism Standards (CFATS) need to submit a revised or updated Top-Screen?

Answer:

1. A CFATS covered facility must submit a revised or updated Top-Screen within 60 days of undergoing a material modification to the facility's operation or site.
2. Tier 1 and Tier 2 covered chemical facilities must complete and submit an updated Top-Screen every two years and Tier 3 and Tier 4 covered chemical facilities must complete and submit an updated Top-Screen every three years.

[DHS will send each covered facility a reminder to submit its Top-Screen update as the facility's deadline approaches.](#)