Chemical Facility Anti-Terrorism Standards: Expedited Approval Program

Overview

The Cybersecurity and Infrastructure Security Agency's (CISA) Chemical Facility Anti-Terrorism Standards (CFATS) program works with high-risk facilities to ensure security measures are in place to reduce the risk of certain hazardous chemicals being weaponized. High-risk facilities must develop a security plan tailored to the tier level and unique circumstances. High-risk facilities designated as a Tier 3 or 4 have the option to use the Expedited Approval Program (EAP) for approval of the facility's security plan.

Expedited Approval Program (EAP)

The CFATS program follows a risk-based approach that analyzes information submitted by facilities to CISA through an online survey known as a Top-Screen. If deemed to be high-risk, CISA assigns the facility to one of four tiers, with Tier 1 representing the highest risk. CISA requires high-risk facilities to develop and implement a Site Security Plan (SSP) or Alternative Security Program (ASP) that meet the applicable risk-based performance standards (RBPS).

The Expedited Approval Program provides an optional process through which Tier 3 and 4 facilities may receive an expedited approval of the SSP.

An additional option for facilities to get security plans approved—called the Expedited Approval Program (EAP)—was established following the 2014 reauthorization of the CFATS program. The EAP provides an optional process through which facilities assigned a Tier 3 or 4 may receive expedited approval of the SSP and enter directly into a regular cycle of compliance inspections, removing the requirement for a pre-approval authorization and authorization inspection.

CISA has published guidance for facilities that elect to participate in the program at cisa.gov/publication/cfats-expedited-approval-program. This guidance was developed using a number of sources, including best practices drawn from SSPs.

Facility participation in the EAP is voluntary. Tier 1 and 2 facilities are ineligible for the program.

EAP SSP and the RBPS

The 18 RBPS that regular SSPs must meet are nonprescriptive in nature, allowing facilities the flexibility to select the most cost-effective measures or activities to comply with CFATS. However, the requirements for the EAP SSPs are prescriptive in nature, offering more detailed security measures than what is found in the RBPS Guidance Document. Facilities that choose to submit an EAP SSP must develop the plan by adopting these prescriptive measures.

Material Deviation

Facilities may also choose to incorporate measures in the EAP SSP that materially deviate from the measures in the EAP Guidance provided that the facility include sufficient justification that the measures meet the applicable portions of the relevant RBPS. If a facility includes a material deviation, it must:

1. Identify the deviation for the specific security measure in the SSP.
2. Explain how the deviating measure meets the relevant portions of the RBPS and provides levels of security comparable to the prescriptive measure(s) outlined in the guidance.

The EAP Guidance Document contains examples of an EAP SSP, as well as material deviations and the applicable portions of the relevant RBPS.

CISA may find an EAP SSP to be facially deficient if it does not include existing and/or planned measures which satisfy all applicable RBPS, or if the facility materially deviates from the guidance and the deviation does not meet the relevant portions of the RBPS and/or provide levels of security comparable to the measures outlined in the EAP Guidance.

Submitting an EAP SSP

Tier 3 and Tier 4 facilities that elect to submit the security plan under the EAP must notify CISA of its intention at least 30 days prior to submitting the security plan.

Any facility that elects to submit the security plan under the EAP must notify CISA of its intention at least 30 days prior to submitting the security plan. Facilities that are assigned a Tier 3 or 4 have 120 days after receiving the Tiering Letter to submit the EAP SSP. Notification of intention to submit an EAP SSP as well as EAP SSP submission occurs via the Chemical Security Assessment Tool (CSAT).

EAP Compliance Inspections

Facilities that elect to participate in the EAP enter directly into a regular cycle of Compliance Inspections (CIs) upon approval of the SSP. The purpose of a CI is to ensure that a facility continues to fully implement the existing and planned security measures in the approved SSP.

During a CI, CISA inspectors verify that the equipment, processes, and procedures are sufficiently meeting the RBPS and that any required actions have been implemented and are sustainable. The inspection team will verify the status, accuracy, and timelines of all material deviations and planned measures identified within the EAP SSP. If, during or after a compliance inspection of an expedited approval facility, CISA determines that planned or implemented security measures are insufficient to meet the RBPS based on misrepresentation, omission, or an inadequate description of the site, it may require additional security measures or suspend the certification of the facility.

Tools and Resources

- CFATS Resources: cisa.gov/cfats-resources
- CFATS Process: cisa.gov/cfats-process
- EAP: cisa.gov/cfats-expedited-approval-program
- EAP Guidance: cisa.gov/publication/cfats-expedited-approval-program
- CFATS Compliance Inspections: cisa.gov/cfats-covered-chemical-facilities
- Request a Compliance Assistance Visit: cisa.gov/request-compliance-assistance-visit
- CFATS Knowledge Center: csat-help.dhs.gov
- CSAT Help Desk (technical assistance): Call 1-866-323-2957 or email CSAT@hq.dhs.gov