

Frequently Asked Questions: Chemical Facility Anti-Terrorism Standards: Final Appendix A

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What is Appendix A?

Appendix A of the Chemical Facility Anti-Terrorism Standards (CFATS) regulation lists the DHS chemicals of interest and their corresponding Screening Threshold Quantities (STQ). If a facility possesses, or later comes into possession, of a chemical of interest at or above the specified screening threshold quantity, that facility must complete an easy-to-use online consequence assessment tool, known as a Top-Screen.

It is important to note that many facilities that will fill out the Top-Screen may not be subject to further regulation under CFATS by DHS. Appendix A and the Top-Screen will allow DHS to make preliminary determinations about whether facilities present a high level of security risk.

What is the Top-Screen?

The Top-Screen is an easy-to-use online questionnaire that facility owners and operators complete to provide DHS with a basic understanding of the facility's potential level of consequence. After answering a series of simple questions, DHS will be able to preliminarily determine whether the facility presents a high level of security risk. Not all facilities that complete the Top-Screen will be subject to further regulation by DHS. The Top-Screen is part of the Chemical Security Assessment Tool (CSAT). To register to use the CSAT Top-Screen, facilities should visit www.dhs.gov/chemicalsecurity.

Who will be required to complete the Top-Screen and by when?

If a facility possesses a chemical of interest at or above the listed screening threshold quantity, the facility must complete and submit a Top-Screen to DHS. A facility must do so within 60 calendar days of the publication of a final Appendix A or within 60 calendar days of coming into possession of the listed chemical of interest at or above the listed screening threshold quantity.

What kinds of chemicals does Appendix A contain and why?

To determine the type and quantity of chemicals that require a facility to complete the Top-Screen, DHS examined three security issues:

- Release: quantities of toxic, flammable, or explosive chemicals that have the potential to create significant adverse consequences for human life or health if intentionally released or detonated.

- **Theft or Diversion:** chemicals that have the potential, if stolen or diverted, to be used as weapons or easily converted into weapons, in order to create significant adverse consequences for human life or health.
- **Sabotage or Contamination:** chemicals that, if mixed with other readily available materials, have the potential to create significant adverse consequences for human health or life.

It seems that in the proposed rule, the screening threshold quantities were listed as “any amount” but the final rule contains specified quantities. Why is this and are there any exceptions?

In the initial draft Appendix A, DHS listed various chemicals with a screening threshold quantity of “any amount,” meaning that a facility possessing any amount of that chemical would have to complete the Top-Screen. In this final rule, the Department has replaced the “any amount” STQs that appeared in the proposed list with numerical quantities. The revised quantities are more narrowly tailored to capture high risk chemical facilities.

In addition to this modification, DHS developed a specialized approach for propane, chlorine, and ammonium nitrate.

- **Propane** - The screening threshold quantity for propane is 60,000 lbs, and facilities need not count propane in tanks of 10,000 lbs or less.
- **Chlorine** - Depending on the hazard it presents, there are two screening threshold quantities for chlorine: (1) a screening threshold quantity of 500 pounds when the chemical presents a theft hazard, and (2) a screening threshold quantity of 2,500 pounds when the chemical presents a release hazard.
- **Ammonium Nitrate** - DHS identified Ammonium Nitrate in two forms: (1) the explosive and (2) the more common form used as a fertilizer. DHS set different screening threshold quantities for each form, depending on the hazard presented.

Appendix A lists propane as a DHS chemical of interest. Which users of propane will be affected by this rule and why?

DHS has included propane on the list of Appendix A chemicals of interest because propane can produce significant consequences if used in a terrorist attack. And this is not hypothetical: propane has been successfully employed as a component of terrorist devices.

In the proposed rule, DHS listed the screening threshold quantity for propane at 7,500 lbs. In the final rule, DHS has increased the screening threshold quantity for propane to 60,000 lbs. In addition, facilities need not count propane in tanks of less than 10,000 lbs.

By doing this, the department has elected at this time to focus its efforts on large commercial propane establishments. This higher threshold quantity will focus DHS’s security screening effort on industrial and major consumers, regional suppliers, bulk retail, and storage sites; the focus is being shifted away from non-industrial propane customers.

Why regulate these sites at all?

The recent events in London and Glasgow – in which the terrorists attempted to attack using propane – illustrate how important it is to appropriately secure facilities that possess potentially dangerous chemicals. For example, while poultry farms may not be a direct target of attack, the chemicals they possess might pose a high risk to the surrounding community. One goal of CFATS is to increase security at facilities that possess dangerous chemicals in such a quantity as to pose a threat to the surrounding community. DHS is committed to mitigating these potential threats.

Besides propane, what other key chemicals will be regulated?

- **Acetone and urea**, both of which had been on the initial draft list of chemicals, have been removed. These chemicals can be used, in combination with others (i.e., acetone with hydrogen peroxide and urea with nitric acid), to create chemical mixtures that could be used as precursors to explosives (e.g., Triacetone Triperoxide includes both acetone and hydrogen peroxide). Given the department's inclusion of concentrated nitric acid and hydrogen peroxide in the appendix, the department does not believe it is necessary to include acetone and urea. The department is electing to regulate the more critical chemicals (i.e., hydrogen peroxide and nitric acid) of those mixtures.
- **Hydrogen peroxide** was on the proposed list and remains on the final list. DHS increased the concentration; it had been "at least 30%" and it is now "at least 35%." A concentration of 35% is a common technical and food grade of hydrogen peroxide.

Will Appendix A affect college and university laboratories? If so, why?

Yes, some college and university laboratories may be affected. Colleges and universities that meet the Appendix A levels – that is, those that possess Appendix A chemicals of interest at or above the listed screening threshold quantities – will have to complete and submit a Top-Screen to DHS. With the information from the Top-Screen, the department will be able to make a determination as to whether the college or university laboratory might present a high level of security risk and therefore must comply with the substantive requirements of CFATS. Facilities determined by DHS not to present a high level of security risk will drop out of the regulatory program and go no further. DHS anticipates that many academic institutions will likely be found not to present a high level of security risk. Facilities determined by DHS to present such a concern, however, will have to comply with the substantive requirements of CFATS – e.g., preparing a Security Vulnerability Assessment, developing and implementing a Site Security Plan, etc. Because security across academic institutions varies dramatically, the level of measures necessary for each academic institution will likewise vary. While some academic institutions may have security measures in place that will help them meet the applicable risk-based performance standards, some may not, and DHS looks forward to helping those facilities increase their security.