

HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN SHEET FOR September 26, 2014

Audrey Hidano,
Deputy Director - Administration
Department of Transportation

William M. Tam
Deputy for Commission on Water
Resource Management
Department of Land and Natural Resources

Doug Mayne
State Civil Defense
Department of Defense

For Kathryn Braun
Director
Office of Public Health Studies
University of Hawaii at Manoa

Valerie Gontz

Jade Butay,
Deputy Director
Department of Labor and
Industrial Relations

Jade Butay

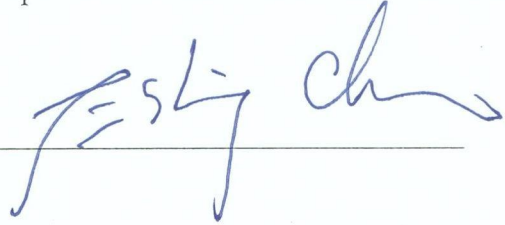
Mark Want,
Energy Analyst
Department of Business Economic
Development & Tourism

Mark Want

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES'
SIGN-IN SHEET FOR September 26, 2014**

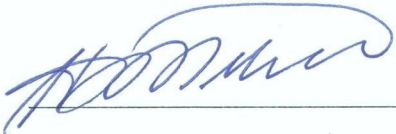
Scott Enright
Dept. of Agriculture
Board of Agriculture

Tin Shing Chao
Occupational Safety and Health Division
Department of Labor and Industrial Relation



Henry Silva
Hawaii Representative/LEPC Chairperson
Hawaii County Fire Department

Alexander J. Adams
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department

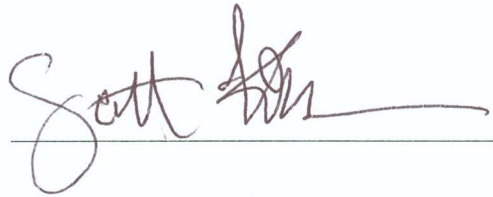




Albert Kauai
Kauai Representative/LEPC Chairperson
Kauai Fire Department

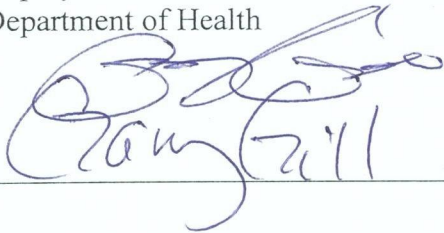
Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department

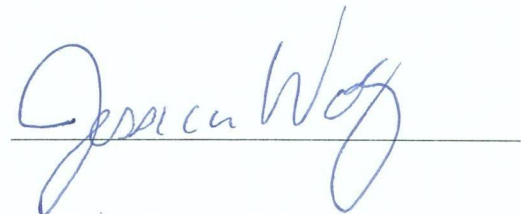




Gary L. Gill
Deputy Director, Environmental Health
Department of Health

Jessica Wooley
Director
Office of Environmental Quality Control





HSERC MEETING SIGN-IN SHEET FOR SEPTEMBER 26, 2014

Name	Organization	Telephone #	Fax #	E-Mail
✓ Richard S. Metchem	DHS/PSA	808-264-0395		RICHARD.METCHEM@dhs.gov
✓ Rodney Lockett	DHS	2028412065		Rodney.Lockett@hq.dhs.gov
✓ Curtis Mardik	DOH	586-4249		
✓ BILL MARHOFFER	USCG DI4	808-535-3416		WILLIAM.R.MARHOFFER@USCG.MIL
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✓ Laura McIntyre	DOH/ETA/EPO	808 586-4338		laura.mcintyre@doh.hawaii.gov
✓ Cynthia B	Navy	473-4659		
✓ Eric Jensen	Tetra Tech	441-4784		eric.jensen@tetratech.com
✓ Keith Kauoff	DOH H&EP			
✓ ROBERT H HARTER	DOH/DEA	723-8958		RHARTER@NCNOLOLU.GOV

SIGN IN SHEET FOR MEETING WITH RODNEY LOCKETT

SEPTEMBER 24, 2014

Name	Organization	Telephone#	E-mail
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Amy Matsumoto	DOH	(808) 586-4641	
Elaine Lake	DOH	808 586-4350	
Lynn Bully	DOH - HERR	576-4274	
Rodney Lockett	U.S. DHS	202 8412065	Rodney.Lockett@HQ.DHS.gov
Richard Scott Mitchem	DHS/PSA	808-264-0395	RICHARD.MITCHEM@DHS.GOV
Sharon L. Leonida	DOH	586-7542	sharon.leonida@doh.hawaii.gov



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LT GOVERNOR

STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
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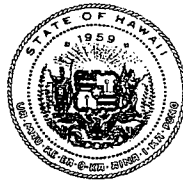
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #96

Friday, September 26, 2014 from 9:00 a.m. to 12:00 p.m.

Department of Health
919 Ala Moana Boulevard, Fifth Floor
Honolulu, Hawaii 96814

AGENDA

- 1) 9:00 Call to Order Gary Gill, Deputy Director for Environmental
Announcements, Remarks, Introduction Health
Approval of Minutes from Mtg #95
- 2) 9:20 LEPC Updates Henry Silva, Hawaii LEPC Representative
Albert Kauai, Kauai LEPC Representative
Scott Kekuewa, Maui LEPC Representative
Alex Adams, Oahu LEPC Representative
- 3) 9:40 Homeland Security Team Rodney Lockett, Director, Region 9
Site Security Plan(SSP) Infrastructure Security Compliance Division
Or Inspection Process - Hawaii
- 4) 10:20 School Chemical Lab Clean Up Grace Simmons, Solid -Hazardous Waste
Up Date Branch
- 5) 10: 40 Information on Iselle Keith Kawaoka, LEPCs
And Lava Flow
- 6) 11:00 HMEP Grant Harold Lao, HEER Office
- 7) 11:15 Appointing Interim Replacements HSERC
- 8) 11:30 Other Business HSERC, LEPC
- 9) Next HSERC Meeting - December 19, 2014



In reply, please refer to:
File:

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HI 96801-3378

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING # 95

Friday, June 13, 2014, 9:00 a.m. to 12:00 p.m.

Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

Attendees

Voting: Curtis Martin, Chairperson, Dept. of Health, HEER Office; Albert Kauai, Kauai County LEPC; Henry Silva, Hawaii County LEPC; Jade T. Butay, Dept. of Labor and Industrial Relations; Alex Adams, Honolulu LEPC; Vern Miyagi, SCD, Dept. of Defense; Valerie Yontz, Public Health Studies, University of Hawaii; Mark Want, Dept. of Business Economic Development and Tourism; Scott Kekuewa, Maui County LEPC.

Non-Voting: Sharon Leonida, Harold Lao, Liz Galvez, Adam Teekell, Terry Corpus, Lynn Bailey, Dept. of Health, HEER Office; Robert H. Harter, City and County of Honolulu, Dept. of Emergency Management; Cynthia Pang, U.S. Navy; Jeffrey M. Kihune, Maui Fire Dept.; Orasa Fernandez, Dept. of Education.

1. Curtis Martin, in place of Gary Gill, called the meeting to order at 9:08 am.
 - 1.1 Introduction of Attendees.
 - 1.2 Approval of minutes for meeting #94, **no objections to minutes as presented, minutes adopted.**
2. LEPC Updates:
 - 2.1 Hawaii County: Henry Silva
 - 2.1.1 The LEPC meeting was held on May 21, 2014. The next meeting will be in August 7, 2014.
 - 2.1.2 Tier II forms were complied and filed.
 - 2.1.3 Regular business was conducted.
 - 2.1.4 There was one incident: a container of Sulfuric Acid slipped off a BEI truck. One hundred-seventy-five (175) gallons spilled. It was raining heavily at the time and both the product and rain water went into a dry well. Terry Corpus confirmed that Soda Ash was added into the well with the rain and product. PH testing showed that it was within acceptable limits.
 - 2.2 Kauai County: Albert Kauai
 - 2.2.1 The last LEPC meeting was on May 15, 2014, the next meeting will be August 20, 2014.
 - 2.2.2 He gave updates on HSERC to the LEPC members. Hazardous Materials Technician Recertification training was held on April 22, 24, and 25.
 - 2.2.3 Kauai Fire participated in the statewide Makahi Pahili Hurricane Preparedness Exercise.
 - 2.2.4 There were three incidents. On March 30, there was a release of mace in the Walmart store in Lihue. Nine people were transported to Wilcox Hospital. Store was evacuated

and HazMat monitored the air. Gerald from DOH- Kauai District Health Office was on scene. He was conferring with someone from the HEER Office. The store was ventilated and after several hours, the store was released back to management.

- 2.2.5 On May 13, PMRF reported a spill of a one quart mixture of water and gas. They were serving an engine at the Port Allen Pier.
- 2.2.6 A compressed gas cylinder washed ashore at "Aukini." Kauai DOH responded with HazMat. Liz Galvez conducted the removal on June 6. Cylinder was vented and Liz had it sent to the office. Cylinder has a double cap. Liz has sent pictures to EPA. No one here nor at EPA has seen this before.

2.3 Maui County: Scott Kekuewa- Maui Fire Department

- 2.3.1 Last LEPC meeting was held on April 30, next meeting will be on July 3, 2014.
- 2.3.2 Maui Fire is in the beginning stages of planning an Amnesty Program with PENCO and Maui County.
- 2.3.3 They are working on updating the LEPC by-laws.
- 2.3.4 On May 29, Scott received a call from Adam at the HEER Office. DLNR called and requested that Adam have someone check debris that had washed ashore, two miles south of 'La Peruse" Bay. Main objective was to test for radiation, none was found. Scott gave a description of the debris. Black, orange, about two feet wide and thirty feet long. It was steel encased in rubber. Pictures showed it looked like a section of transfer hose used by ships. Maui Fire told DLNR no radiation was found. DLNR conducted disposal. Bob Harter explained how Honolulu City and County does their quarterly Household Hazardous Waste Program.

2.4 Honolulu City & County: Alex Adams

- 2.4.1 The last LEPC meeting was on March 18, 2014, next meeting June 17, 2014.
- 2.4.2 Alex went over the previous months activities.
- 2.4.3 Hazmat Tech Class finished training on May 20, 2014
- 2.4.4 Kai Malo O Hawaii Exercise was held on May 8, 2014. This was sponsored by the Civil Support Team, CST, other agencies participated. HFD was involved in two separate scenarios at two different sites. One site was located at Lagoon Drive, this involved an airplane. Second site was located at Bellows AFS. This was a marathon scenario where a Weapon of Mass Destruction device went off.
- 2.4.5 HFD also participated in Makahi Pahili. Their Incident Management Team and All Hazard Team were set up. The exercise had a hurricane damage the Waimanalo side of the island. One incident involved a collapsed building where victims had to be removed. Another incident was a fuel spill at another location.
- 2.4.6 There was one hazardous incident in Pearl City. Homeowner had a barrel waiting for bulk pickup. It fell over and a hydrocarbon substance spilled. It traveled nine hundred feet down his street and on to the next street. Homeowner thought there was water inside of the barrel. Alex notified Liz of the incident.

3. School Labs Clean Up – Committee Update

- 3.1 Henry explained about contacting Senator Green's office about helping with the chemical lab cleanup. The Senator requested documents. With Gary's approval, Grace Simmons complied the documents and they were delivered to the Senators office. The subcommittee has a 1:00 pm meeting with Senator Green on Friday, June 13, 2014. We are requesting additional funding for DOE to do the cleanup.

Sharon explained that there had been a conference call between Alex, Henry, Grace and Travis from Solid Waste, and DOE. A meeting was held on Monday, June 9. Grace, Travis, Sharon met with Gilbert Chun, Orasa Fernandez, and another member from DOE.

Gilbert Chun explained the procedure of getting permission for himself or his staff to speak to the different schools. Gilbert would need to make a request to his Assistant Superintendent. This request would be passed to the Superintendent on his side of the organization. This would then be passed to the Superintendent on the DOE – School side of the organization. It would then be passed to the Assistant Superintendent, who would forward the request to the Complex Area Supervisor. Then permission is given to speak to the principal.

Grace is going to continue working with the schools that have been inspected and have NOT SUBMITTED A MANIFEST that shows cleanup has been done. By the end of summer we should have a good idea on how many schools have completed cleanup. We can then request additional funding from Senator Green and continue with this effort.

4. Update on Possible Homeland Security Team Attending HSERC

4.1 Sharon explained the questionnaire that she has to submit to Rodney Lockett to have a speaker attend the HSERC meeting. Discussion on what topic HSERC would like to have presented at the meeting. HSERC would like to request “Homeland Security Team Site Security Plan (SSP) or Inspection Process – Hawaii”.

5. Publication Where Information On Tier II Can Be Placed – Trade Unions

5.1 At the last HSERC, Sharon received a list of ideas on how to get more information on Tier II out to the general public from Henry Silva and Bob Harter. Genevieve Salmonson has given Sharon contacts for unions and businesses that she can also use. Sharon has gotten in contact with Allan Los Banos of the Masons Union. He would be able to put us in touch with the agency that does the different trade union publications. Allan asked if Sharon would be willing to do a presentation about the HEER Office and Tier II. She has agreed.

6. NASTTPO Update, HMEP Grant, Tier II

6.1 Bob Harter gave an overview of what topics were presented. Pipeline and Hazardous Materials Safety Administration (PHMSA) had representatives that talked about updating their regulations. CAMEO training showed the different ways it can be used to help in planning for the community. A Special Unit of the State Highway Patrol is the HazMat Responders in Louisiana. They carry enough equipment to dress four people in complete level ‘A’ suits. There was a tour of the DOW Chemical Plant near Plaquemine, LA. Presentation by Explosive Service International on how they mitigate hazardous materials incidents. Others topics were Executive Order 13650, and EPA’s role. Henry explained about the various ideas that HMEP is exploring to improve the way that the states may be able to use this fund. Congress has held hearings to ask about the way HMEP fund is being used. Changes have not be announced at this time. Tim Gablehouse, LEPC from Colorado, mentioned possible changes in the SERC Law.

7. HMEP Grant

7.1 Training for Hazmat Tactics and Chemical Course for Oahu and Hawaii was completed on May 30. We are waiting for approval of the FFY 2015 HMEP Grant. We are going to have about forty thousand dollars, \$40,000, left from the 2014 Grant. Henry explained that at NASTTPO he asked if the LEPC’s should still have their own separate EOP, Emergency Operating Plan. He was advised that they should be separate from the counties. Henry has talked to Harold to see if the \$40,000 could be used for this update. Harold has a contractor who can start looking into the EOPs.

8. Makahi Pahili 2014 Exercise
 - 8.1 Curtis reported that the DOH set up an EOC, Emergency Operation Center, at the State Lab for three days to do the exercise.
 - 8.2 Vern Miyagi, SCD, explained the exercise that the State Civil Defense had done. The exercises are usually completed when the "expected storm or wave" would arrive. FEMA had a team here so a joint field office was set up and sustained operations continued for three more days. He explained that sustained operations are where you would hear the complaints that supplies were not arriving at the requested area. These complaints would be coming from the different agencies and departments. The focus at this exercise was on tracking of the resources. He explained about receiving requests from counties, departments and different agencies. These resources were sent out and they had to be tracked. He gave details on what method was used to do this. The After Action Report details the problems they had.

Mr. Miyagi gave examples of what they learned from the last hurricane to hit Kauai. Don't cut the telephone poles since it took two months to receive replacements.
 - 8.3 City and County of Honolulu had their exercise that focused on debris clearance followed by debris management. A contractor was hired and identified some areas of the plan that needed to be worked on. They are working on their After Action Report.
 - 8.4 Mark Want added there was additional confusion on identifying what departments handled specific problems. An example was an oil spill, as it should be referred to Department of Health, not his department.
9. Future Dates for HSERC Meetings

Handouts on the table. Please take a look for future meeting dates. Fifth floor meeting room needs to be reserved in advance.
10. Other Business
 - 10.1 Bob Harter supplied a handout on Malathion as well as pocket cards on Global Harmonization System (GHS). On July 26 at Pearl Ridge, there will be an Emergency Preparedness display.
 - 10.2 HFD participated in the Multi Agency Strike Force Operation. Other agencies included US Coast Guard, Customs, State DOT, PHMSA, and US Fish and Wildlife. This involves doing random inspections on containers. The locations were the Matson Container Yard and the Weigh Station at Sand Island.
 - 10.3 Update On Red Hill – Curtis explained the process of how the tanks were welded and how they need to be checked. They found pin holes in the welds when doing the vacuum checks. Welds need to be redone and vacuum checked again. This takes time. Motion to adjourn made by Alex, seconded by Scott.
11. Schedule next HSERC Meeting

September 26, 2014, December 19, 2014.

Respectively Submitted,


Sharon L. Leonida
Environmental Health Specialist III

Rodney Lockett
Region 9 Director
Infrastructure Security
Compliance Division

U.S. Department of Homeland Security
National Protection and Programs Directorate
Infrastructure Protection
R9: AZ, CA, GUAM, HI, NV

202 841 2065 tel
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**Homeland
Security**

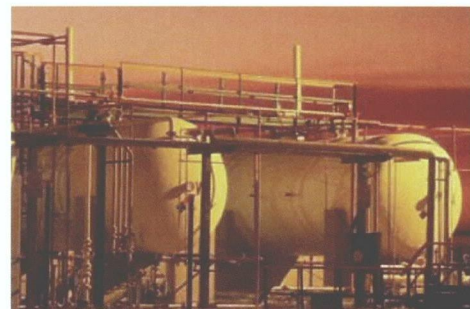


Homeland Security

What to Expect from a CFATS Authorization Inspection

What is an Authorization Inspection?

Under the Chemical Facility Anti-Terrorism Standards (CFATS), an Authorization Inspection (AI) is conducted at covered facilities to verify and validate that the content listed in the facility's authorized Site Security Plan (SSP) or Alternative Security Program (ASP) is accurate and complete and that existing and planned equipment, processes, and procedures are appropriate and sufficient to meet the established Risk-Based Performance Standards (RBPS) requirements.



Both Section 550 of the Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 § 550 (2006), and CFATS, 6 C.F.R. Part 27, provide authority for DHS to conduct authorization inspections. Specifically, 6 C.F.R. § 27.250(a) provides authority for the Department of Homeland Security (DHS or the Department) to enter, inspect, and audit the property, equipment, operations, and records of CFATS covered facilities.

When DHS determines that a facility is ready for an AI, DHS will send the facility a Letter of Authorization through CSAT. In addition, an inspector will reach out by phone and/or email to the designated facility site representative to schedule a date and time for the AI. During the AI, the inspector will discuss the following topics:

- Purpose and scope of the visit
- Expected duration and schedule of the inspection
- Required facility personnel and resources/documents that should be available during the inspection
- Chemical-terrorism Vulnerability Information (CVI) considerations
- Personal Protective equipment/safety requirement

What should a facility do to prepare for an Authorization Inspection?

A facility may want to have readily available a chemical inventory list, a site/facility layout map, all CFATS-related documents required under 6 C.F.R. § 27.255 (Recordkeeping Requirements), and all procedures and records pertaining to the storage and transportation of chemicals.

Key personnel should be available during the AI, such as, the facility manager and facility security representative, operations manager, and the submitter of the security plan.

What occurs during and after the Authorization Inspection?

The inspection team will participate in any security or safety briefings and will conduct an in-brief to discuss the purpose of the AI and the planned schedule for the inspection. The Facility's SSP or ASP will be opened at the beginning of the AI so that the facility can update the SSP/ASP with the inspection team onsite.

After the inspection is complete, the inspection team will provide an out-brief for the facility to provide a general overview of the issues raised by the AI and discuss next steps.

The facility's security plan will remain open for 30 days post-AI to permit the facility to make any changes. Once submitted, DHS will review the updated SSP/ASP, the authorization inspection report, and any other relevant information and determine whether to approve the facility's security plan. If DHS finds that all applicable RBPSs are sufficient, DHS will send the facility a Letter of Approval through CSAT. DHS will then conduct periodic compliance inspections and audits of the facility to ensure continued compliance with the facility's approved security plan. If DHS finds that all applicable RBPSs in the facility's security plan are not sufficient, DHS will send the facility a Notice of Deficiency through CSAT as required by 6 C.F.R. § 27.245(b). The facility must then resubmit a sufficient security plan addressing the deficiencies by a specific date. If the resubmitted security plan does not satisfy the requirements of 6 C.F.R. § 27.225, then DHS may disapprove the facility's security plan.

SSP Lessons Learned

When updating the SSP, a facility may choose to consider the following best practices:

- Include information on all applicable RBPSs. To simplify, there are five security areas a facility should consider when completing the SSP/ASP: Detection, Delay, Response/Mitigation, Security Management, and Cybersecurity.
- Include detailed descriptions of security measures within the "other" boxes.
- Think about safety or engineering items that your facility could use as a security feature.
- Facilities that take an asset-based approach to security should define the assets in the asset-specific section and describe the associated security measures in detail.
- All planned measures need to include an implementation timeline and specific detail regarding what the planned measure includes.

A few RBPS-specific best practices to consider include:

- RBPS 8 – Cyber: Facilities should identify the types of systems that impact the security of their Chemicals of Interest (COI) and focus on the security measures in place to protect these systems.
- RBPS 12 – Personnel Surety: Perform appropriate background checks on and ensure appropriate credentials for facility personnel, and as appropriate, for unescorted visitors with access to restricted areas or critical assets.
- RBPS 18 – Records: Section 27.255 of CFATS sets out the records a covered facility must keep and for what time period. A facility security plan should include language stating that it will maintain all of the records required by 6 C.F.R. 27.255.

Contact Information

To learn more about CFATS and Chemical Security Inspectors, visit: <http://www.dhs.gov/critical-infrastructure-chemical-security>.

To ask a Department representative to speak on the CFATS regulatory program, please contact cfats@hq.dhs.gov.

Reporting Potential CFATS Concerns

To report a possible security concern involving the CFATS regulation, call the Tip Line at **877-394-4347** (877-FYI 4 DHS). Calls to this tip line should involve the CFATS regulation at your facility or another facility. You may report concerns on voicemail anonymously. To receive a return call, leave your name and number.

If you have a security emergency or terrorist incident, call 911 or contact your local FBI field office.



In October 2006, Congress authorized and required the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines are high-risk.¹ To implement this authority, DHS issued the Chemical Facility Anti-Terrorism Standards regulation (CFATS) in 2007. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet applicable risk-based performance standards (RBPS).



What are the Chemical Facility Anti-Terrorism Standards?

CFATS is a risk-based performance program that sets the standards for security at the Nation's highest risk chemical facilities.

- High-risk facilities contain Chemicals of Interest (COI) that give rise to one or more security issues, to include the release of toxic chemicals, the theft or diversion of chemicals, and chemicals that can be used for sabotage or contamination.
- CFATS-covered facilities are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).
- Facilities subject to CFATS include but are not limited to:
 - Chemical manufacturing
 - Mining operations
 - Storage and distribution
 - Electronics
 - Energy and utilities
 - Agriculture and food
 - Paints and coatings
 - Healthcare
 - Colleges and universities
 - Pharmaceuticals
 - Warehouses
 - Repackaging facilities

What is the Role of the Emergency Responder?

Collaboration between CFATS facilities and emergency responders is critical to ensuring a secure and resilient community. Emergency responders play an important role as CFATS-covered facilities develop and implement their Site Security Plan. The SSP is created in coordination with the emergency response community, adhering to DHS risk-based performance standards. Several risk-based performance standards may impact the emergency response

¹ Section 550 of the DHS Appropriations Act of 2007, Pub. L. 109-295

community including:

- Detect, deter, delay
- Specific threats, vulnerabilities, or risks
- Response
- Identifying security incidents
- Training
- Reporting security incidents

How is Chemical-Terrorism Vulnerability Information (CVI) Protected?

Chemical-terrorism Vulnerability Information (CVI) is a new category of information protection authorized by Congress for this regulation. CVI protects information about CFATS-covered facilities and security operations.

Although most information needed by emergency responders is not CVI, DHS anticipates that certain situations will arise where emergency responders and CFATS-covered facilities would need to share some CVI. In these instances, the emergency responder would need to complete the CVI training and DHS would make a determination on their need to know prior to sharing the information.

Civil penalties may apply for the improper use or disclosure of CVI. More information on this category of information and CVI training can be accessed at www.dhs.gov/chemicalsecurity.

DHS Compliance Assistance and Outreach

DHS has developed a variety of tools to facilitate compliance with CFATS:

- **The CSAT Help Desk** provides timely support to chemical facility owners and operators as well as a CFATS tip-line for anonymous chemical facility security reporting. It can be reached at 1-866-323-2957, or at csat@dhs.gov
- **The CFATS Knowledge Center** is an online repository of Frequently Asked Questions, articles, and documents relating to CFATS and Ammonium Nitrate Programs. It can be found by visiting <http://csat-help.dhs.gov/>.
- **Chemical Security Inspectors and other DHS subject matter experts** are available to provide guidance to facilities through outreach meetings, calls, and other engagements.

Contact Information

For more information visit: <http://www.dhs.gov/critical-infrastructure>. To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please contact cfats@hq.dhs.gov.



**Homeland
Security**

Chemical Facility Anti-Terrorism Standards

In October 2006, Congress passed Section 550 of the DHS Appropriations Act of 2007, Pub. L. 109-295, authorizing and requiring the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines, in its discretion, are high-risk. To implement this authority, DHS issued the Chemical Facility Anti-Terrorism Standards regulation (CFATS) in 2007. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet applicable risk-based performance standards (RBPS).

Facilities that are required to comply with at least some provisions of the CFATS regulation will largely fall into the following categories:

- Chemical manufacturing, storage, and distribution
- Energy and Utilities
- Agriculture and Food
- Paints and Coatings
- Explosives
- Mining
- Electronics
- Plastics
- Universities and Research Institutions
- Healthcare and Pharmaceuticals



What are the Chemical Facility Anti-Terrorism Standards?

CFATS is a risk-based performance program that sets the standards for security at the Nation's highest risk chemical facilities.

- High-risk facilities contain Chemicals of Interest (COI) that give rise to one or more security issues to include: release of toxic chemicals, theft or diversion of chemicals, and chemicals that can be used for sabotage or contamination.
- CFATS-covered facilities are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).

What are Chemicals of Interest?

Appendix A to the CFATS Interim Final Rule contains DHS's COI that give rise to one or more security issues, namely: release, theft/diversion, and sabotage/contamination. Under the CFATS rule, if a facility possesses an Appendix A COI at or above the applicable Screening Threshold Quantity (STQ), the facility must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of the COI.

Risk-Based Tiering

Consistent with Section 550, the CFATS regulation follows a risk-based approach that allows DHS to focus its resources on high-risk chemical facilities in accordance with their specific level of risk. First, DHS will examine facility information submitted through the Top-Screen. After analyzing Top-Screen data from facilities, DHS will preliminarily assign high-risk facilities to one of four risk-based tiers. High-risk facilities will receive their final risk-based tiering assignments after DHS reviews their SVAs.

The Risk-Based Performance Standards (RBPS)

Section 550 directed the Department to issue regulations “establishing risk-based performance standards for the security of high-risk chemical facilities.”

CFATS establishes Risk-Based Performance Standards (RBPSs) for security issues such as perimeter security, access control, personnel surety, and cyber security. However, not all high-risk facilities will need to take action to satisfy each RBPS. A facility’s SSP will be tailored to its specific tier level, security issues, risks, and circumstances, as determined by DHS’ review of its SVA.

Inspections Process

The Department will inspect high-risk chemical facilities at regular intervals with higher tiered facilities being inspected first and more frequently.

The Department may also inspect a high-risk facility at any time based on new information or security concerns. A minimum of 24 hours advance notice typically will be provided to facilities unless specific security concerns demand immediate attention.

The DHS staff who will conduct inspections have completed a rigorous training program, incorporating both classroom and on-site facility instruction by experts in chemistry, emergency response, terrorism, and industrial security.

Compliance and Enforcement

The CFATS regulation provides that if DHS believes any facility is in violation of the regulation, the Department may issue an appropriate order to the facility specifying the violation and steps that must be taken to correct the noncompliance. Violation of such a compliance order may result in additional orders assessing civil penalties of \$25,000 per day or to cease operations.

DHS Compliance Assistance and Outreach

DHS has developed a variety of tools to facilitate compliance with CFATS:

- **The CSAT Help Desk** provides timely support to chemical facility owners and operators as well as a CFATS tip-line for anonymous chemical facility security reporting. It can be reached at 1-866-323-2957, or at csat@dhs.gov
- **The CFATS Knowledge Center** is an online repository of Frequently Asked Questions, articles, and documents relating to CFATS and Ammonium Nitrate Programs. It can be found by visiting <http://csat-help.dhs.gov/>.
- **Chemical Security Inspectors and other DHS subject matter experts** are available to provide guidance to facilities through outreach meetings, calls, and other engagements.

Contact Information

For more information visit: <http://www.dhs.gov/critical-infrastructure>. To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please contact cfats@hq.dhs.gov.

EXECUTIVE ORDER 13650



Actions to Improve Chemical Facility Safety and Security – A Shared Commitment **Report of the Federal Working Group on Executive Order 13650**

President Obama issued Executive Order (EO) 13650 - *Improving Chemical Facility Safety and Security* on August 1, 2013, to enhance the safety and security of chemical facilities and reduce risks associated with hazardous chemicals to facility workers and operators, communities, and responders. The Executive Order directed Federal departments and agencies to:

- Improve operational coordination with, and support to, State and local partners;
- Enhance Federal agency coordination and information sharing;
- Modernize policies, regulations, and standards; and
- Work with stakeholders to identify best practices.

On June 6, the Working Group's report to the President, entitled *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment* was released. The report highlights activities undertaken to improve chemical facility safety and security and provides a consolidated plan of actions to further minimize chemical facility safety and security risks. The issuance of the report is intended as a milestone, not an endpoint.

The Working Group and its respective agencies recognize the need to enhance chemical facility safety and security and, since West, Texas, have been hard at work on numerous fronts. The Working Group has implemented the following actions since the release of the EO:

Strengthening Community Planning and Preparedness

- *Assisted First Responders* – DHS and EPA met with LEPCs and first responders across the country. These meetings enabled first responders to identify and discuss potential methods to increase their preparedness and to share lessons learned.
- *Upgraded Emergency Planning and Response Tools* – EPA continued to upgrade its CAMEO suite of applications, available on line to emergency planners, first responders, and the general public.
- *Identified Planning and Preparedness Funding Sources* – Federal Emergency Management Agency (FEMA) engaged State administrative agencies to improve awareness of available funding for risk-centric capabilities-based planning and preparedness training costs in the Fiscal Year 2014 Homeland Security Grant Program.

Enhancing Federal Operational Coordination

- *Launched Regional Pilot* – The Working Group coordinated a pilot in New York-New Jersey where a multi-agency Federal, State, and local government team was created to coordinate chemical facility preparedness planning and response activities. Highlights of the pilot include:

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- **Development of a standard operating procedure (SOP)** – The SOP presents (1) a unified Federal, State, tribal, and local approach for identifying, communicating, and responding to risks at chemical facilities and (2) a plan to improve operational coordination among the Federal, State, tribal, and local agencies and first responders and will assist agencies with implementation.
 - **Assessment of Information Collection and Sharing** – The pilot’s assessment of information collection and sharing will help ensure that the capabilities, limitations, and needs of the first responder community are understood at the Federal level. The pilot identified ways to ensure that State Homeland Security Advisors, SERCs, LEPCs, State regulators, and first responders have ready access to key information in a useful format to identify and respond to risks in chemical facilities.
 - **Improved Coordination** – Perhaps the greatest benefit from the pilot was the discussion of safety and security issues among all levels of government, the first responder community, and stakeholders. This interaction among the pilot participants resulted in better (1) working relationships, (2) understanding of agency programs, (3) coordination of work in the field, and (4) sharing of critical information and data.
 - **Increased EPCRA Compliance** – Early on, the pilot agencies identified the need for Federal, State, and local partners to work together to increase industry’s compliance with EPCRA requirements.
 - *Engaged Chemical Safety Board (CSB) to Improve Coordination* - The Working Group engaged the Chemical Safety Board (CSB) to identify possible updates to existing memoranda of understanding between CSB and EPA, CSB and the OSHA, and CSB and ATF and continue the discussion on improving information sharing and collaboration.

Improving Data Management

- *Shared Data to Identify Potentially Noncompliant Facilities* – DHS and EPA adopted new data-sharing procedures to identify facilities that, based on their required filings, could possess threshold levels of CFATS COI but have not yet filed required Top-Screen information with DHS or a required RMP with EPA.
- *Updated Online System to Assist Facility Compliance* – The EPA Substance Registry Services (SRS) assists facilities that possess chemical substances to determine their regulatory requirements by providing information about chemical substances tracked or regulated by EPA or other sources. It has been updated to include CFATS and PSM-covered substances, which allows facilities to be informed about potential regulatory coverage under PSM and CFATS in addition to other EPA regulatory programs.
- *Updated Online System for Facility Data* – Facility Registry Service (FRS) integrates facility data from across nearly 90 different Federal and State systems, allowing users to compare facilities between systems, including chemical data and compliance history. The FRS has been updated to include facilities that complete a DHS Top-Screen submission for CFATS, which allows Federal agencies to identify (1) facilities that are covered by multiple Federal regulatory entities and (2) potentially noncompliant facilities, often referred to as outliers.

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- *Tested New Emergency Planning and Response Tools* – EPA Region 8 tested a new system called ER Planner that aggregates chemical facility and infrastructure data from various Federal and State databases and displays it on an interactive Geographic Information System (GIS) application. Accounts are provided to Federal, State, and local authorities, with appropriate permission levels for various data layers based on the user's need to know and ability to protect information.
 - *Contacted Agriculture Associations* – DHS contacted 49 State agribusiness associations to identify potentially noncompliant facilities and to raise awareness about chemical facility security regulations. The State agribusiness associations represent crop nutrients, crop protection, and in some cases grain and feed, at the State and local level.

Modernizing Policies and Regulations

- *Gathered Public Input on Policy Revisions* – The Working Group issued a Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization in January 2014 and collected stakeholder input through a docket and public meetings.
- *Requested Public Input for OSHA Rulemaking* – OSHA published a Request For Information in the *Federal Register* on December 9, 2013, to begin the process of information collection needed to update the agency's PSM standard and other related chemical standards and to determine whether these standards can, and should, be expanded to address additional regulated substances and types of hazards.
- *Clarified Existing OSHA Requirements for Ammonium Nitrate* – OSHA worked with the Agricultural Retailers Association and The Fertilizer Institute to distribute a letter to the fertilizer industry. The letter provided information on the applicability and requirements of 1910.109, Explosives and Blasting Agents standard, to ammonium nitrate storage.
- *Published Ammonium Nitrate Safety Advisory* – In August 2013 EPA, OSHA, and ATF published the *Chemical Advisory: Safe Storage, Handling and Management of Ammonium Nitrate*.^[1] The advisory provided facilities, local communities, and first responders with information on the hazards of ammonium nitrate, how to manage these hazards, and appropriate steps for community emergency planning and proper emergency response.
- *Published LPG Advisory* – EPA published *Interim Chemical Accident Prevention Advisory Design of LPG Installations at Natural Gas Processing Plants* in January 2014. This advisory provided natural gas processing plants with awareness of the applicable standards and codes for safe design of these facilities.
- *Expanded EPA Inspector Training and Guidance* – EPA expanded its inspector training curriculum to include advanced process safety training courses in several key areas, including petroleum refineries, ammonia refrigeration systems, mechanical integrity codes and standards, root cause investigation, and human error prevention. EPA also published revised guidance for RMP inspectors to ensure employee representatives participate in all RMP inspections.

^[1] This advisory can be found at http://www.epa.gov/emergencies/docs/chem/AN_advisory.pdf

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- *Conducted CAVs* – In FY 2014, DHS conducted over 100 CAVs to assist CFATS-regulated facilities in understanding and responding to their CFATS regulatory requirements, such as how to complete a Top-Screen, SVA, or SSP. CFATS inspectors conducted over 1,400 CAVs since the program’s inception. Additionally, in FY 2014, DHS participated in 500 outreach events.

Incorporating Stakeholder Feedback and Developing Best Practices

- *Launched an Online Best Practice Repository* – The Working Group developed a new Lessons Learned Information System (LLIS) online best practices repository^[2] so stakeholders involved in chemical facility safety and security can submit potential best practices as they are identified.

Improving chemical facility safety and security is a shared concern among facility owners and operators; Federal, State, local, tribal, and territorial governments; regional entities; nonprofit organizations; facility workers; first responders; environmental justice and local environmental organizations; and communities. Recognizing that information, actions, and experiences of stakeholders are essential to understanding, managing, and mitigating the risks of potential chemical facility hazards, the Working Group initiated a robust stakeholder outreach effort to assist the workgroup in identifying successes and best practices. The Working Group gathered stakeholder input through listening sessions, webinars, public dockets, and meetings, engaging nearly 1,800 participants across the country, and generating input from over 25 States.

The status report incorporated this feedback as well as a thorough analysis of existing regulatory programs to inform the immediate actions as well as a consolidated Federal Action Plan of priority actions to further minimize risks, organized by five thematic areas. Agencies, in coordination with the broad range of stakeholders, have transitioned to implementing the priority actions, which will be completed over time. The priority actions by thematic area are:

1. Strengthen Community Planning and Preparedness

- Strengthen Local Emergency Planning Committee (LEPCs)/Tribal Emergency Planning Committee (TEPC) capabilities;
- Improve first responder and emergency management preparedness and response training;
- Identify and coordinate funding sources for State Emergency Response Commissions (SERCs)/Tribal Emergency Response Commissions (TERCs) and LEPCs/TEPCs to sustain planning and response efforts; and
- Expand tools to assist SERCs/TERCs and LEPCs/TEPCs in collecting, storing, and using chemical facility information.

2. Enhance Federal Operational Coordination

- Establish a Chemical Facility Safety and Security National Working Group to facilitate Federal interagency coordination and collaboration on Report actions and implementation;
- Establish standard operating procedures for Federal coordination at the National and regional levels; and

^[2] <https://www.llis.dhs.gov/topics/chemical-facility-safety-and-security>

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- Cross-train Federal chemical facility safety and security regulatory programs field personnel.

3. Improve Data Management

- Develop a common facility identifier to standardize terminology that allows agencies to more effectively communicate with one another and share information with State and local entities;
- Aggregate data from across the Federal agencies and share with state, local, tribal, and territorial officials and first responders;
- Establish a single web-based interface for data exchange creating an integrated resource to allow facilities to learn about the regulatory programs and requirements of multiple Federal agencies; and
- Improve tools for sharing chemical hazard information by expanding EPA's Substance Registry System (SRS) to include other Federal agency information systems

4. Modernize Policies and Regulation

- Modernize OSHA's Process Safety Management (PSM) Standard to improve safety and enforcement;
- Modernize EPA's Risk Management Plan (RMP) rule;
- Build a stronger DHS Chemical Facility Anti-Terrorism Standards (CFATS) program;
- Develop guidance and outreach programs to help industry understand process safety and security requirements and best practices;
- Work with states to update Safe Drinking Water Act measures; and
- Improve process for notification of stored explosives to fire authorities.

5. Incorporate Stakeholder Feedback and Develop Best Practices

- Incorporate stakeholder feedback from listening sessions, stakeholder outreach meetings, and other outreach efforts;
- Maintain the EO docket for stakeholder feedback and comments;
- Use the newly established web-based repository for capturing best practices;
- Compile best practices and publish a compendium; and
- Leverage FEMA's online Lessons Learned Information System (LLIS) to capture user-submitted best practices or approaches that result in successful, productive, safer, and more secure operations.

The report is the result of a Federal interagency working group led by the Environmental Protection Agency, the Department of Labor, and the Department of Homeland Security, and including representation of other departments and agencies, such as Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives and the U.S. Department of Agriculture, and the Department of Transportation, all of whom are involved in the oversight of chemical facility safety and security.