



CFATS Has Made our Nation and Communities More Secure

The Department of Homeland Security (DHS) continues to strengthen security at the Nation's high-risk chemical facilities through the Chemical Facility Anti-Terrorism Standards (CFATS) program. CFATS is a risk-based regulatory program that sets the standards for security at the Nation's high-risk chemical facilities. One standard that facilities must meet is the performance of background checks on certain people with access to restricted areas or critical assets at high-risk chemical facilities. Under the CFATS regulation, these activities are part of Risk Based Performance Standard (RBPS) 12 – Personnel Surety.

Personnel Surety—verifying the background of certain persons with access to restricted areas and critical assets of high-risk chemical facilities—is a key component of facility security. RBPS 12 – Personnel Surety addresses the need for a high-risk chemical facility to ensure that certain individuals allowed access to restricted areas or critical assets have suitable backgrounds for their level of access. Many facilities have already made America more secure through their own personnel surety measures that review the backgrounds of those who have access to our Nation's dangerous chemicals. Such reviews verify their workers' identities, check their criminal histories, and validate their legal authorizations to work.

Facilities are required to perform four types of background checks on both facility personnel (e.g., employees and contractors) who have access to restricted areas or critical assets and on unescorted visitors who have access to restricted areas or critical assets:

- 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
- iv. Measures designed to identify people with terrorist ties

The 30-Day Notice focuses on RBPS 12 (iv) - vetting of facility personnel and unescorted facility visitors for terrorist ties.

The remaining element of personnel surety is RBPS-12(iv), the vetting of individuals for terrorist ties. DHS has developed a Personnel Surety Program, a key component of facility security, under which facilities can submit personnel information for screening against the Terrorist Screening Database. Screening individuals for terrorist ties is an inherently governmental function, therefore DHS is creating a program to provide facilities with the means to comply with RBPS-12(iv). Through this Personnel Surety Program, certain persons with or seeking access to high-risk chemicals will be screened for potential terrorist ties.

In creating the Personnel Surety Program, DHS has analyzed best practices from other Federal screening programs and has worked to incorporate feedback gained from engagement with the chemical sector and security partners. To collect information to fulfill RBPS-12 (iv), DHS previously submitted an Information Collection Request to the Office of Management in June 2011, but withdrew the request in order for the Department to further engage with our security partners and with stakeholders in the regulated community about the CFATS Personnel Surety Program given their concerns about the proposed collection. Prior to re-initiating the Paperwork Reduction Act (PRA) process, the Department held 16 meetings with stakeholders to identify their primary issues of concern with the CFATS Personnel Surety Program. On March 22, 2013 the Department published a 60-day PRA notice and reinitiated the PRA process.

The March 2013 PRA notice solicited comments for 60 days. In response to stakeholder requests, the Department extended the comment period an additional 14 days. The Department received 28 comments, and after reviewing those comments, published a 30-day PRA notice on February 3, 2014.

Options for Facilities

The Department is committed to finalizing the outstanding aspect of personnel surety and implementing a program that provides flexibility to facilities as the final piece to the overarching chemical security program. In the notice the Department describes at least three options to comply with RBPS-12(iv):

1. Submit information about an affected individual to be compared against information about known or suspected terrorists in the Terrorist Screening Database through the CSAT tool; or
2. Submit information through the CSAT tool about an affected individual who participates in a program with existing background checks conducted through other DHS programs that require a terrorist ties check equivalent to that required by the CFATS Personnel Surety Program; or
3. Electronically verify and validate an affected individual's TWIC, through the use of TWIC readers, rather than submitting information about the affected individual to DHS.

In addition to those three options described above for satisfying RBPS 12(iv), high-risk chemical facilities may propose alternative or supplemental options in their Site Security Plans or Alternative Security Programs. The Department will assess the adequacy of such alternative or supplemental options on a facility-by-facility basis, in the course of evaluating each facility's Site Security Plan or Alternative Security Program.

Changes in the Information Collection Request Based on Stakeholder Input

There were no significant changes made in the 30-day notice from the 60-day notice. In response to the comments received during the 60-day notice, the Department included several clarifications and one update in the 30-day notice. The update increased slightly the Department's estimated burden in the Information Collection Request.

The 30-day notice about the information collection request is open to public comment beginning February 3, 2014 for 30 days. Concurrently, the Department is submitting the Information Collection Request to the Office of Management and Budget (OMB) for review. Although the Department has the authority to implement the CFATS program, OMB must still approve how the Department proposes to collect the necessary information for the program under the Paperwork Reduction Act. The Department will implement the CFATS Personnel Surety program after OMB approves the CFATS Personnel Surety program ICR.

Contact For more information, visit www.dhs.gov/chemicalsecurity or call 1-866-323-2957.

About CFATS

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. The CFATS program is focused on making our Nation and communities more secure by regulating high-risk chemical facilities to ensure they have security measures in place to reduce the risks associated with their identified chemicals of interest.

Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans or Alternative Security Programs that meet applicable risk-based performance standards (RBPS). High-risk facilities contain Chemicals of Interest 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