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To: Kelley, Jeremy;
Subject: CFATS Security Update
Date: Friday, June 12, 2009 12:37:28 PM

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Chemical Facility Anti-Terrorism Standards (CFATS) Update

On May 15, 2009 the Department of Homeland Security (DHS) released the final versions of the:

- Site Security Plan (SSP) questions (296 pages);
- SSP instructions (49 pages); and
- Risk-Based Performance Standards Guidance (RBPS) document (194 pages).

Personnel at covered facilities should read all three documents before inputting data into the Chemical Security Assessment Tool (CSAT) SSP. If a covered facility so chooses, they may input planned and proposed security measures in addition to the required existing measures. DHS will consider planned measures as long as the facility has taken steps to realize them (such as initiated equipment installation or management has approved spending money for new security measures). They will not consider proposed measures, but will give advice as to their acceptability.

The SSP is not a plan; it is a means for the DHS to collect data. That is, after spending 200 (or more) hours providing data to the DHS, covered facilities will not have a document that describes the security measures being taken, response steps to security incidents, security training, etc. They will need to create a separate plan for this. Covered facilities should not implement the SSP until DHS approves their plan.

The RBPS does not dictate specific security measures, practices, processes, and/or activities. Covered facilities can use whatever means they see fit, as long as the DHS determines they are adequate. The RBPS helps covered facilities determine methods that are likely to satisfy the DHS.

Pages 17 through 21 of the RBPS provide general considerations about ". . . selecting a suite of security measures and activities that both meet the CFATS performance standards and are tailored to the unique considerations associated with a facility. . ." We recommend personnel at covered facilities read and understand this information.

Presently, CFATS will expire in October 2009. We believe Congress will not let it go away, but will instead either extend it as is for one year, extend it as is for three years, or extend it with extensive revisions - such as disallowing the MTSA exemption and requiring union participation in the process.

O'Brien's Response Management is ready to respond to your CFATS needs. Contact Steve Falkner at (281) 320-9796 or email steve.falkner@obriensrm.com if we can assist you with understanding the latest information.

Thank you,

O'Brien's Response Management
Regulatory Compliance Department, Security Group

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