



The Marine Transportation Security Act (MTSA) of 2002 & the Chemical Facility Anti-Terrorism Standards (CFATS)

2008 Chemical Sector Security Summit

July 22, 2008

Mark O'Malley

Captain, U.S. Coast Guard

Deputy Director of Prevention Policy

Chemical Facilities and the MTSA of 2002

- Facilities that interface with vessels regulated under the MTSA must provide Facility Security Plans (FSP) to the local Captain of the Port (COTP) for review and approval and must operate in accordance with those plans.
- This includes facilities engaged in the manufacture, storage, or transportation of chemicals if these facilities receive or deliver product using regulated vessels.
- The COTP determines whether or not the FSP competently addresses the vulnerabilities identified in the Facility Security Assessment by way of a site visit.
- The Coast Guard uses a risk-based approach to facility security and does not mandate that specific measures be included in an FSP.



Comparison of CFATS and the MTSA of 2002

- CFATS covers chemical facilities not regulated under MTSA.
- Requires that the facility perform a background check on employees.
- CFATS protects sensitive but unclassified information with a "Chemical Vulnerability Information" (CVI) designation.
- The Infrastructure Security Compliance Division (ISCD) places facilities in one of four tiers based on internal criteria for risk.
- MTSA covers all facilities that interface with regulated vessels.
- Requires the TWIC for unescorted access to secure areas.
- MTSA utilizes the designator "Sensitive Security Information" (SSI) developed by TSA for SBU information.
- The Coast Guard does not tier facilities except through the expectation that a chemical facility will have more robust security in their FSP than is needed at a bulk stone terminal, for example.



Comparison of CFATS and the MTSA of 2002

- The CFATS Site Vulnerability Assessment (SVA) is performed using ISCD's online Chemical Security Assessment Tool and is submitted to ISCD in Washington for approval.
- Once approved, the SVA is returned to the facility for use in developing their Site Security Plan (SSP).
- The Coast Guard does not approve the Facility Security Assessment (FSA) Report as a separate step in overall FSP approval.
- The COTP visits the facility to confirm that their FSA Report encompasses the vulnerabilities of the facility and that the security measures in the FSP are adequate to address those vulnerabilities prior to approval.



Comparison of CFATS and the MTSA of 2002

- The SSP follows the template available through the CSAT portal.
- It must provide security measures to counter each vulnerability identified in the SSA including potential modes of terrorist attack.
- The SSP is submitted to ISCD in Washington and reviewed and approved.
- The FSP may use any format that allows the operator to address each vulnerability identified in the FSA most effectively for his/her unique operation.
- The FSP must address 18 specific areas from access control to security incident procedures.
- The COTP approves the FSP after a site visit to confirm that the facility's vulnerabilities have been correctly identified and security measures in the FSP are adequate.



Comparison of CFATS and the MTSA of 2002

- ISCD is developing a cadre of inspectors trained to audit and inspect chemical facilities.
- Also, ISCD is seeking authority to use third party inspectors.
- Except under unusual circumstances, audits or inspections require a minimum 24 hour advance notice to the facility.
- Coast Guard inspectors visit the 3,200 regulated facilities a minimum of twice each year to confirm that they are operating in compliance with their approved FSPs.
- One visit is announced and the second is unannounced.
- Coast Guard inspectors are expected to check security measures at a facility even if they are performing other types of inspections, e.g. HAZMAT or pollution.



Comparison of CFATS and the MTSA of 2002

- CFATS utilizes civil penalties in cases of non-compliance with the SSP.
- MTSA inspections are focused on promoting compliance whenever possible, however....
- The MTSA imposes civil penalties like other Coast Guard programs.
- It also provides for criminal penalties in some egregious cases.