

The Office of Infrastructure Protection

National Protection and Programs Directorate
Department of Homeland Security

Appendix A Public Roundtable

October 27, 2015



Homeland
Security

Announcements

- Multiple ways to comment on Appendix A to the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27
 - Provide verbal comments in-person at today’s public discussion and listening session
 - Submit written comments via the Federal eRulemaking Portal at www.regulations.gov
 - Submit written comments via U.S. Mail to:
 - U.S. Department of Homeland Security
 - National Protection and Programs Directorate
 - Office of Infrastructure Protection
 - Infrastructure Security Compliance Division
 - 245 Murray Lane, Mail Stop 0610
 - Arlington, VA 20528-0610
- If submitting written comments, reference Docket Number DHS-2014-0016
- Deadline to submit written comments: November 30, 2015
- Notes from the roundtable and listening session will be posted to the docket at: <http://www.regulations.gov>

Roundtable Discussion Topics

1. Addition of chemicals to, and/or the deletion or modification of **chemicals of interest (COI)** currently listed in Appendix A
2. Applicability and/or modification of any **Screening Threshold Quantities (STQs)** or **minimum concentrations**
3. **Concentration and mixtures rules** associated with Appendix A
4. Criteria for “**counting rules**” for STQs, to include clarification on how to determine if a COI is in transportation
5. Classification of COI within different **security issues**, to include the potential for re-designating certain chemicals now listed solely as release flammable so they are listed solely as toxic or as toxic and flammable
6. **Isotopic variants**, to include comments on Chemical Abstract Service (CAS) Registry Numbers and nomenclature

Topic 1: Possible Addition/Deletion/Modification of COI

Topic 1: Addition of chemicals to, and/or the deletion or modification of COI currently listed in Appendix A

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Removing chemicals of interest whose risks are adequately covered by another regulatory regime
- Excluding chemicals of interest when they are mixed with material that prevents extraction of the chemical of interest from the resulting mixture
- Adding chemicals that are similar in capability or effect as currently listed chemicals of interest
- Modifying the threshold quantities of chemicals of interest so that similar chemicals of interest are treated in the same manner

Topic 2: STQs and Minimum Concentrations

Topic 2: Applicability and/or modification of any STQs or minimum concentrations

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Raising the STQs for COI where the STQ results in DHS requiring Top-Screens from facilities that do not present high security risk
- Raising the STQ for a specific COI based on unique circumstances surrounding that COI
- Modifying STQs so that they are consistent with other regulatory requirements in order to simplify a facility's compliance with multiple regulations

Topic 3: Concentration and Mixtures Rules

Topic 3: Concentration and mixtures rules associated with Appendix A, which are described in 6 CFR 27.204

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Raising the minimum concentration for specific COI
- Improving rules concerning mixtures to allow exemption from CFATS for individual products
- Harmonizing CFATS mixture rules with mixture rules of other regulations
- Focusing on a mixture's physical properties rather than its individual components
- Clarifying the applicability of the mixture rule in regards to release flammable fuels

Topic 4: Counting Rules

Topic 4: Criteria for “counting rules” for STQs, to include clarification on how to determine if a COI is in transportation

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Consider the use of “holding times” in determining whether a COI should be considered in transportation packaging
- Removing the transportation packaging requirement for counting certain COI STQs
- Explicitly defining “transportation”

Topic 5: Security Issues

Topic 5: Classification of COI within different security issues, to include the potential for re-designating certain chemicals now listed solely as release flammable so they are listed solely as toxic or as toxic and flammable

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Removing a certain COI from listing as a theft/diversion security issue
- Reviewing current STQs (and perhaps raising them) for certain security issues
- Eliminating certain types of packaging from being treated as a theft/diversion security issue

Topic 6: Isotopic Variants, CAS Numbers and Nomenclature

Topic 6: Isotopic variants, to include comments on CAS Registry Numbers and nomenclature

Recommendations received in response to the Advanced Notice of Proposed Rulemaking on this topic included, but were not limited to:

- Add UN identification numbers for Appendix A COI
- Clarifying or adjusting the definition of the terms “a commercial grade” and “a placarded amount”

Other Comments

- Any additional comments related to CFATS Appendix A?

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Appendix A Public Listening Session

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