



IT Security



Supply Chain



OT Security



Insider Threat



Physical Security



Interoperable Communications

Regulatory Requirements that Satisfy CFATS Risk-Based Performance Standards (RBPS)



DEFEND TODAY,
SECURE TOMORROW

Overview

The Cybersecurity and Infrastructure Security Agency's (CISA) Chemical Facility Anti-Terrorism Standards (CFATS) program identifies and works with high-risk facilities to ensure security measures are in place to reduce the risk of more than 300 chemicals of interest (COI) being weaponized. High-risk facilities are assigned to one of four risk-based tiers and must develop a security plan meeting the 18 risk-based performance standards (RBPS). These high-risk facilities have the flexibility to select security measures tailored to their tier level and unique circumstances.

Due to the nature of the chemicals they possess and the method by which they transport their materials, many of the high-risk facilities covered by the CFATS program may also be subject to other federal regulations. Because of the non-prescriptive nature of the RBPS, security measures that high-risk chemical facilities have implemented to comply with CFATS may also satisfy components of other regulations. Similarly, actions taken to comply with other regulations may meet the RBPS requirements under the CFATS program. This document identifies several requirements used for compliance with other federal regulatory regimes that may also satisfy certain aspects of the CFATS RBPS.

Environmental Protection Agency (EPA) Risk Management Program (RMP)

The RMP Rule implements Section 111(r) of the 1990 Clean Air Act amendments. The RMP requires facilities that use extremely hazardous substances to develop a Risk Management Plan. These plans must be revised and resubmitted to the EPA every five years. Risk Management Plans include measures for monitoring, detection, control, and response and therefore may meet portions of several RBPS, including RBPS 2 – Secure Site Assets; RBPS 3 – Screen and Control Access; RBPS 4 – Deter, Detect, and Delay; RBPS 5 – Shipping, Receipt, and Storage; RBPS 9 – Response; RBPS 11 – Training; RBPS 12 – Personnel Surety; RBPS 15 – Reporting of Significant Security Incidents; and RBPS 16 – Significant Security Incidents and Suspicious Activities.

Occupational Safety and Health Administration (OSHA) Process Safety Management of Highly Hazardous Chemicals Standard (PSM)

To help ensure safe and healthful workplaces, OSHA has issued the PSM, in accordance with 29 CFR 1910.119, which contains requirements for the management of hazards associated with processes using highly hazardous chemicals. PSMs include measures for monitoring, detection, control, and response and therefore may meet several RBPS, including RBPS 2 – Secure Site Assets; RBPS 3 – Screen and Control Access; RBPS 4 – Deter, Detect, and Delay; RBPS 5 – Shipping, Receipt, and Storage; RBPS 9 – Response; RBPS 11 – Training; RBPS 15 – Reporting of Significant Security Incidents; and RBPS 16 – Significant Security Incidents and Suspicious Activities.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Commerce in Explosives

ATF regulations for magazines are detailed in 27 CFR 555 Commerce in Explosives, which covers the storage, shipping, receiving, and manufacturing of explosive materials. These security measures may meet requirements for portions of several RBPS, including RBPS 2 – Secure Site Assets; RBPS 4 – Deter, Detect, and Delay; RBPS 5 – Shipping, Receipt, and Storage; RBPS 6 – Theft or Diversion; RBPS 11 – Training; RBPS 15 – Reporting of Significant Security Incidents; and RBPS 16 – Significant Security Incidents and Suspicious Activities.

Pipeline and Hazardous Material Safety Administration (PHMSA) Hazardous Materials (HAZMAT) Transportation Security Plan

In accordance with 49 CFR 172, the transportation of certain hazardous materials may require the development and implementation of a HAZMAT Transportation Security Plan. In addition, security training is required for each HAZMAT employee whose employer has a plan in place. These plans and training include instruction on suspicious activity

reporting, storage of hazardous material in a secured area with controlled access, personnel security, and security training. These requirements may meet several portions of RBPS, including RBPS 2 – Secure Site Assets; RBPS 3 – Screen and Control Assets; RBPS 4 – Deter, Detect, and Delay; RBPS 5 – Shipping, Receipt, and Storage; RBPS 11 – Training; RBPS 12 – Personnel Surety; RBPS 15 – Reporting of Significant Security Incidents; and RBPS 16 – Significant Security Incidents and Suspicious Activities.

Pipeline and Hazardous Material Safety Administration (PHMSA) Public Awareness Program

In accordance with 49 CFR 192.616 and 49 CFR 195.440, pipeline operators must provide the affected public with information about how to recognize, respond to, and report pipeline emergencies. Emergency officials and local public officials must be provided information about the location of transmission pipelines to enhance emergency response and community growth planning. Operators must periodically review their programs for effectiveness and enhance the programs as necessary. This requirement may meet elements of RBPS 9 – Response, which relates to outreach programs to the community, local law enforcement, and first responders.

Transportation Security Administration (TSA) Transportation Worker Identification Credential (TWIC)

A TWIC is issued by TSA upon completion of a security threat assessment (background check) as outlined in 49 Code of Federal Regulations (CFR) 1572. The vetting process for the TWIC has been determined to meet requirements for RBPS 12 – Personnel Surety, including RBPS 12(ii) – Criminal History and RBPS 12(iv) – Screening for Terrorist Ties.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Letter of Clearance

An ATF Letter of Clearance is issued in accordance with 27 CFR 555.33, which requires that responsible persons and employees authorized to possess explosive materials in the course of employment undergo background checks. The vetting process for the Letter of Clearance has been determined to meet requirements for RBPS 12(iv) – Screening for Terrorist Ties.

U.S. Customs and Border Protection (CBP) Trusted Traveler Programs (TTP)

The NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade (FAST), and Global Entry Trusted Traveler Network TTPs issue credentials to allow modified screening at the U.S. border for pre-approved program members. The vetting process for issuance of TTP credentials has been determined to meet requirements for RBPS 12(iv) – Screening for Terrorist Ties.

Conclusion

It is important to note that while another agency's security plan or guidance may satisfy one or more measures of the CFATS RBPS, the CFATS program requires that all 18 RBPS be addressed according to a facility's tier and security issues. To begin the process of complying with the CFATS program, visit cisa.gov/cfats-process.

Tools and Resources

- RBPS Guidance: cisa.gov/risk-based-performance-standards
- TSA TWIC: tsa.gov/for-industry/twic
- ATF Possessors and Letter of Clearance: atf.gov
- ATF Commerce in Explosives: atf.gov/explosives/docs/rulemaking
- EPA RMP: epa.gov/rmp
- OSHA PSM: osha.gov/process-safety-management
- CBP TTP: tp.dhs.gov
- PHMSA HAZMAT Transportation Security Plan: phmsa.dot.gov/training/hazmat/security-requirements-brochure-english
- PHMSA Public Awareness Program: phmsa.dot.gov/publicawareness