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## DHS Notifies Chemical Facilities of Regulatory Obligations

On June 23rd, the U.S. Department of Homeland Security (DHS) announced that facilities covered by the Chemical Facility Anti-Terrorism Standards (CFATS) will begin receiving letters detailing their security obligations. DHS has identified some 219 facilities that have been characterized as “Tier 1”, 756 as “Tier 2” facilities, 1712 as “Tier 3” facilities, and 4319 as “Tier 4” facilities. DHS will also send letters identifying facilities that are not covered by the regulation at this time.

The letters identify the security issues and the “chemicals of interest” upon which the facility should focus in the Site-Vulnerability Assessment (SVA). The letters also state a specific date by which each facility will need to complete and submit its SVA. In general, Tier 1 facilities have 90 days; Tier 2, 120 days; Tier 3, 150 days; and Tier 4, 180 days. All letters will be sent via Federal Express and, if a facility is identified in Tiers 1-4, the letter will be marked “Chemical-Terrorism Vulnerability Information” (CVI).

Also on June 23, DHS released an updated version of the SVA and SVA instructions, which can be found at: [www.dhs.gov/chemicalsecurity](http://www.dhs.gov/chemicalsecurity).

### About Our Practice

The Hunton & Williams Chemical Facility Security Regulation practice has extensive homeland security and federal government regulatory experience. The firm has worked with chemical sector clients on the enabling legislation and DHS’s CFATS regulatory requirements. We advise corporate clients on CFATS compliance and analysis of the legal issues and risk profiles arising from these new federal regulatory requirements. Our clients seek the most efficient way to implement and evaluate compliance with CFATS, including integration with existing compliance programs and effective internal audits. We review site security and vulnerability assessments to ensure completion and to identify potential legal issues. We can also assist in the process of appealing DHS decisions within the agency.

If you have questions regarding any aspect of the Chemical Facility Anti-Terrorism Standards or their potential impact on your business, please contact us.

For more information, please visit:  
[Chemical Facility Security Regulation](#).

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