

# UNDERSTANDING COMPANY RESPONSIBILITIES FOR CHEMICAL AND FACILITY SECURITY

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# AGENDA

- REGULATORY “STEW” – PROTECTING YOUR CHEMICALS AND WORKERS FROM ACCIDENTAL RELEASES
- CFATS OVERVIEW- INTENTIONAL ATTACKS/THEFT OF CHEMICALS TO WEAPONIZE
- INTERRELATIONSHIP OF SECURITY/EMERGENCY PLANNING REQUIREMENTS
- WORKPLACE VIOLENCE (WPV)/TERRORISM

# THE CURRENT REGULATORY “STEW”

- **EPA (ENVIRONMENTAL)**

- EPCRA – EMERGENCY PLANNING & REPORTING OF SIGNIFICANT QUANTITIES OF HAZARDOUS CHEMICALS
- CAA/RISK MANAGEMENT PLAN (RMP) – RESPONDING AND PLANNING TO PREVENT CHEMICAL ACCIDENTS
  - GENERAL DUTY CLAUSE (GDC)

- **OSHA (SAFETY & HEALTH)**

- PROCESS SAFETY MANAGEMENT (PSM) – HIGHLY HAZARDOUS CHEMICAL PROTECTION IN WORKPLACE
  - GENERAL DUTY CLAUSE (GDC)

# COVERED CHEMICALS BY RULE

- **EPCRA** - 356 EHS, OVER 650,000 REPORTABLE HAZARDOUS SUBSTANCES, 650 TRI CHEMICALS & CHEMICAL CATEGORIES
- **RMP** - OVER 130 REGULATED SUBSTANCES
  - GDC: APPLIES TO ANY "EHS", AND NOT LIMITED BY RMP OR EPCRA SUBSTANCES
- **PSM** – 162 HIGHLY HAZARDOUS CHEMICALS
  - GDC: APPLIES TO ANY HAZARDOUS CHEMICAL THAT CAUSES AN UNSAFE WORKPLACE

**ALL THESE RULES FOCUS ON CHEMICAL HAZARD PROTECTION OF AN INDUSTRIAL FACILITY'S EMPLOYEES AND THE GENERAL PUBLIC SHOULD THERE BE A CHEMICAL ACCIDENT**

# CFATS – WHO IS REGULATED?

- CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

ALL “CHEMICAL FACILITIES” --

- DHS DEFINES A “CHEMICAL FACILITY” AS “ANY FACILITY THAT POSSESSES OR PLANS TO POSSESS, AT ANY RELEVANT POINT IN TIME, A QUANTITY OF A CHEMICAL SUBSTANCE DETERMINED BY DHS TO BE POTENTIALLY DANGEROUS OR THAT MEETS OTHER RISK-RELATED CRITERION ...”

**(I.E., YOU ARE A CHEMICAL FACILITY EVEN IF YOU ARE NOT IN THE CHEMICAL INDUSTRY BUT HAVE A REGULATED CHEMICAL...)**



# CHEMICAL FACILITY ANTI-TERRORISM STANDARDS (CFATS) – TYPICAL FACILITIES

- CFATS IMPACTS 45,000 FACILITIES NATIONWIDE WHICH HAVE CHEMICALS OF INTEREST TO TERRORIST GROUPS
- TYPICAL “CHEMICAL” FACILITIES INCLUDE:
  - POWER PLANTS
  - REFINERIES
  - PAINT/COATING MANUFACTURERS
  - CHEMICAL WAREHOUSES
  - FOOD PRODUCTION
  - REMEDIATION SITES
  - LABORATORIES/RESEARCH CENTERS
  - LARGE OFFICE COMPLEXES
  - CHEMICAL PRODUCTION FACILITIES
  - PAPER MILLS
  - AGRICULTURAL
  - MINING/QUARRIES



# EXAMPLES OF CFATS CHEMICALS OF INTEREST (COI)

- ALUMINUM POWDER
- CHLORINE
- NITRIC ACID
- HYDROGEN PEROXIDE
- HCL
- AMMONIA
- PROPANE
- TEA
- BUTANE/ISOBUTANE
- CHLOROFORM
- METHYL ETHER
- TNT
- NITRIC OXIDE
- PHOSPHORUS

# CFATS OVERVIEW – THREATS

- UNLIKE EPA OR OSHA, CFATS ADDRESSES “**INTENTIONAL ACTS**” (FROM INSIDERS, VISITORS, EMPLOYEES, CONTRACTORS, ETC.)
- SECURITY THREATS FOR COI INCLUDE:
  - RELEASE (TOXIC, FLAMMABLE OR EXPLOSIVE),
  - SABOTAGE,
  - THEFT/DIVERSION (FOR USE IN IED OR WME)
- FACILITIES ARE RESPONSIBLE FOR SECURING THEIR TARGETED CHEMICALS FROM BEING ACCESSED BY TERRORISTS.

# WHO IS AN INSIDER? DO YOU KNOW ONE?



# OVERVIEW OF INSIDER THREATS

## INSIDERS ARE —

- CURRENT OR FORMER EMPLOYEES
- CONTRACTORS
- TRUSTED BUSINESS PARTNERS
- THOSE WITH AUTHORIZED ACCESS TO AN ORGANIZATION'S RESOURCES OR FACILITIES

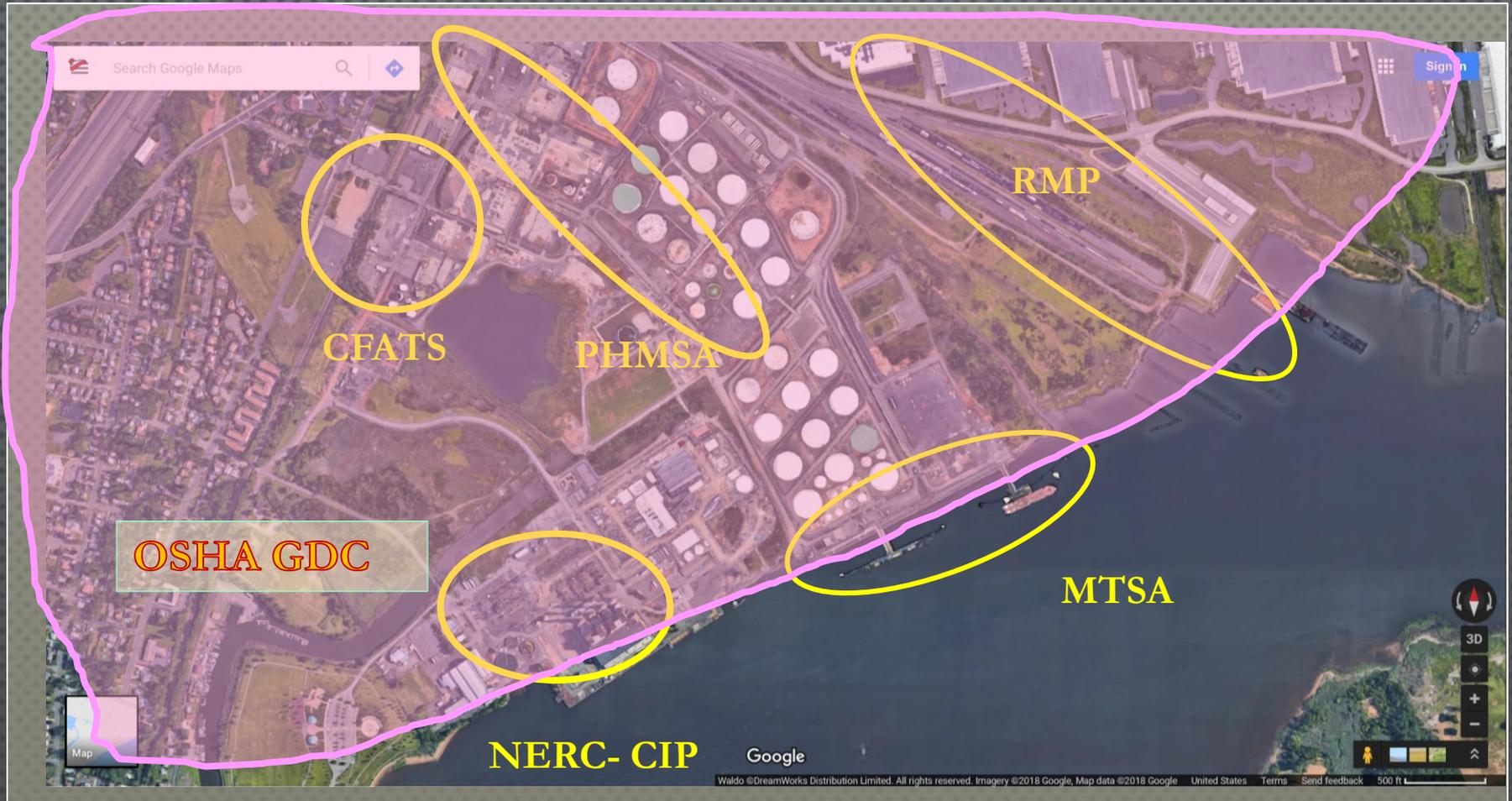
*MALICIOUS INSIDER THREATS ARE WHEN INSIDERS INTENTIONALLY USE THEIR ACCESS TO HARM THE ORGANIZATION*

# ARE THERE OTHER SECURITY CONCERNS?

SHORT ANSWER - **Yes!!!**

- **THESE REGULATIONS DO NOT APPLY EVERYWHERE:**
  - **MTSA (COAST GUARD SECURITY RULES – “PORT FACILITIES”)**
  - **NERC-CIP (INFRASTRUCTURE SECURITY RULES FOR UTILITIES)**
  - **CFATS (CHEMICAL SECURITY)**
  - **PHSMA (PIPELINE & HAZMAT SAFETY RULES)**
- **BUT THESE APPLY TO ALMOST EVERY FACILITY:**
  - **OSHA GENERAL DUTY CLAUSE**
  - **PREMISES LIABILITY/INADEQUATE SECURITY CLAIMS**

# OVERLAPPING SECURITY REQUIREMENTS



# ACTIVE SHOOTER/WPV/TERRORISM

## OSHA- GENERAL DUTY CLAUSE

“SECTION 5(A)(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, REQUIRES THAT EACH EMPLOYER FURNISH TO EACH OF ITS EMPLOYEES A WORKPLACE THAT IS FREE FROM RECOGNIZED HAZARDS THAT ARE CAUSING OR LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL HARM.”

# BACKGROUND - WPV

- **WORKPLACE VIOLENCE (WPV) IS ANY ACT OR THREAT OF PHYSICAL VIOLENCE, HARASSMENT, INTIMIDATION, BULLYING OR OTHER THREATENING DISRUPTIVE BEHAVIOR THAT OCCURS AT THE WORK SITE. IT RANGES FROM THREATS AND VERBAL ABUSE TO PHYSICAL ASSAULTS AND EVEN HOMICIDE. IT CAN AFFECT AND INVOLVE EMPLOYEES, CLIENTS, CUSTOMERS AND VISITORS.**
- **WPV IS THE 2ND/3RD LEADING CAUSE OF WORKPLACE FATALITIES IN THE UNITED STATES (AFTER MOTOR VEHICLE ACCIDENTS) \***
- **2 MILLION US WORKERS EXPERIENCE WPV EACH YEAR \***

\* NATIONAL SAFETY COUNCIL

# SECURITY CONSIDERATIONS

- **PREMISES LIABILITY COMMON LAW**  
LIABILITY THAT MAKES YOU (OR YOUR ENTITY) LIABLE FOR INJURIES SUFFERED ON YOUR PROPERTY, PARTICULARLY IF YOU FAILED TO PROTECT THEM.
- **THREE TESTS:**
  - **IS THREAT KNOWABLE/HAS IT HAPPENED BEFORE?**
  - **IS THE THREAT FORESEEABLE TO HAPPEN AT YOUR PROPERTY?**
  - **SHOULD YOU HAVE DONE SOMETHING TO PROTECT AGAINST IT?**

# HOW DOES ACTIVE SHOOTER FIT WITH WPV?



# BACKGROUND - ACTIVE SHOOTER

- *ACTIVE SHOOTER* - AN INDIVIDUAL ACTIVELY ENGAGED IN KILLING OR ATTEMPTING TO KILL PEOPLE IN A CONFINED AND POPULATED AREA. IT MAY OCCUR AT A WORKPLACE, OR NOT. WPV CAN TURN INTO ACTIVE SHOOTER (AS) SITUATIONS.
- IN MOST CASES, ACTIVE SHOOTERS USE FIREARMS (ALTHOUGH THAT IS NOT A REQUIREMENT) - (AKA- ACTIVE KILLER, ACTIVE ASSAILANT)
- ACTIVE SHOOTER SITUATIONS EVOLVE QUICKLY- TYPICALLY THE ATTACK IS OVER IN LESS THAN 10 MINUTES, ALTHOUGH THE PLANNING IS TYPICALLY MUCH LONGER- DAYS, WEEKS, MONTHS.
- LAW ENFORCEMENT DELAYED RESPONSE OFTEN MEANS INDIVIDUALS MUST BE PREPARED BOTH MENTALLY AND PHYSICALLY TO DEAL WITH AN ACTIVE SHOOTER SITUATION.
- IN 95% OF THE CASES THE ATTACKER IS MALE.

# SOME BIG HEADLINES- ACTIVE SHOOTER EVENTS

April 2018 –  
YouTube Shooting

Parkland FL High School Shooting  
Pulse Night Club Shooting

Virginia Poly Tech Shooting

Fort Lauderdale Airport Shooting  
Fort Hood Shooting

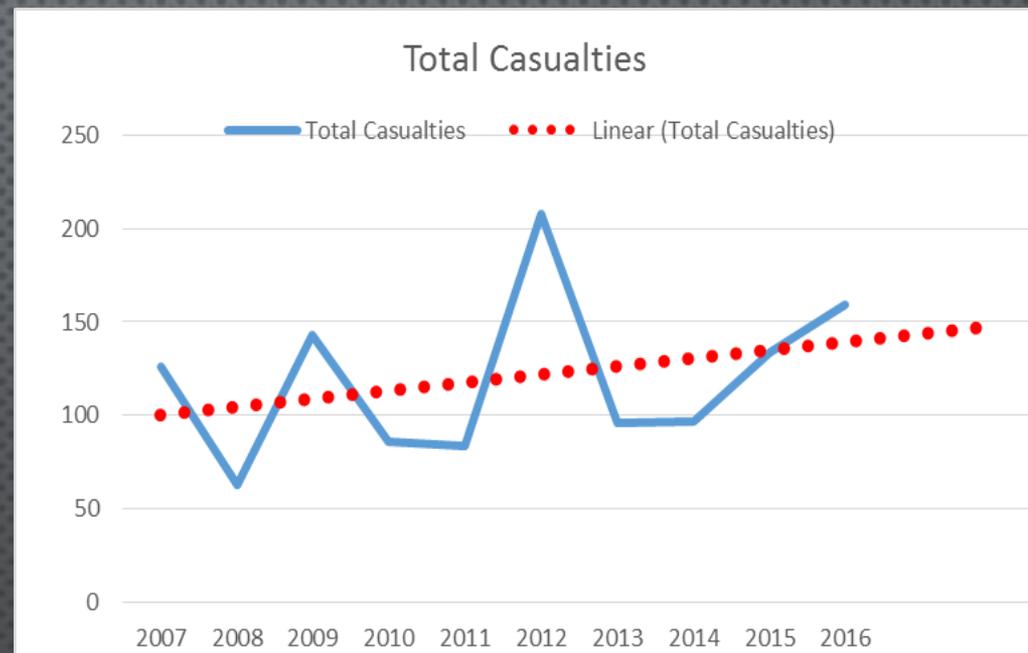
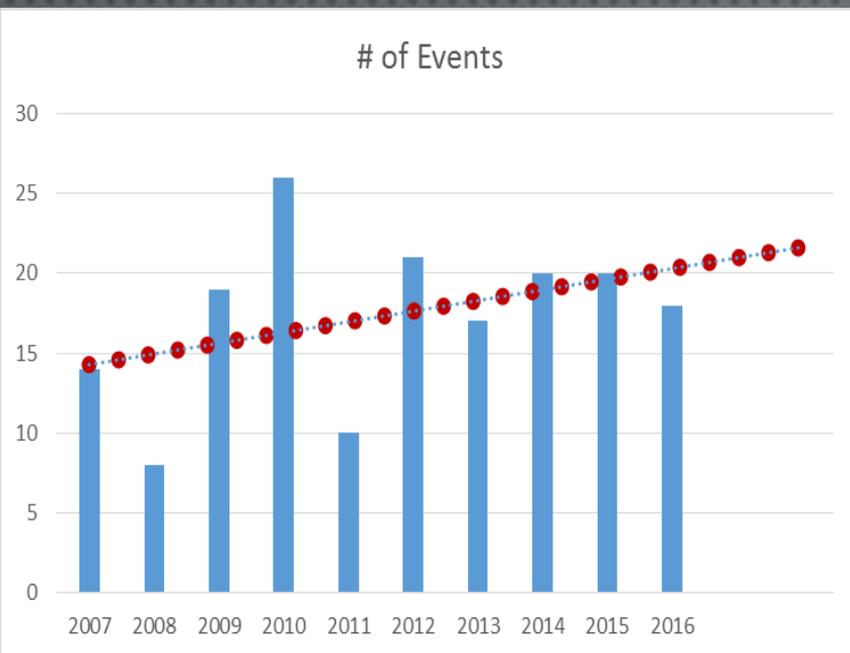
San Bernardino Terrorist Attack- 2015

San Bernardino Active Shooting 2017  
US Holocaust Museum Shooting  
Las Vegas Concert Shooting 2017



# ACTIVE SHOOTER EVENTS 2007-2016\*

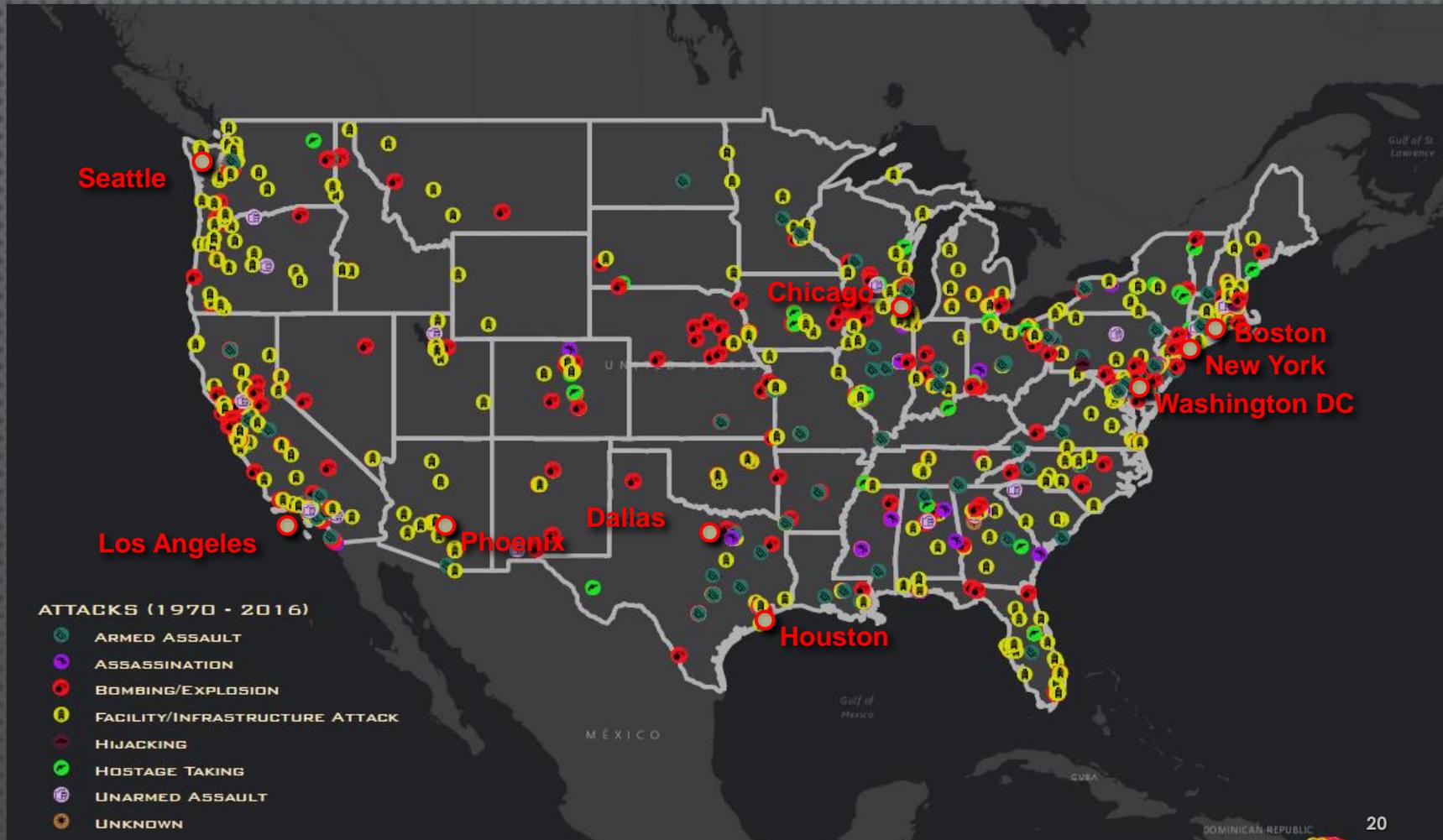
**TRENDS ARE INCREASING IN NUMBER OF EVENTS & CASUALTIES**



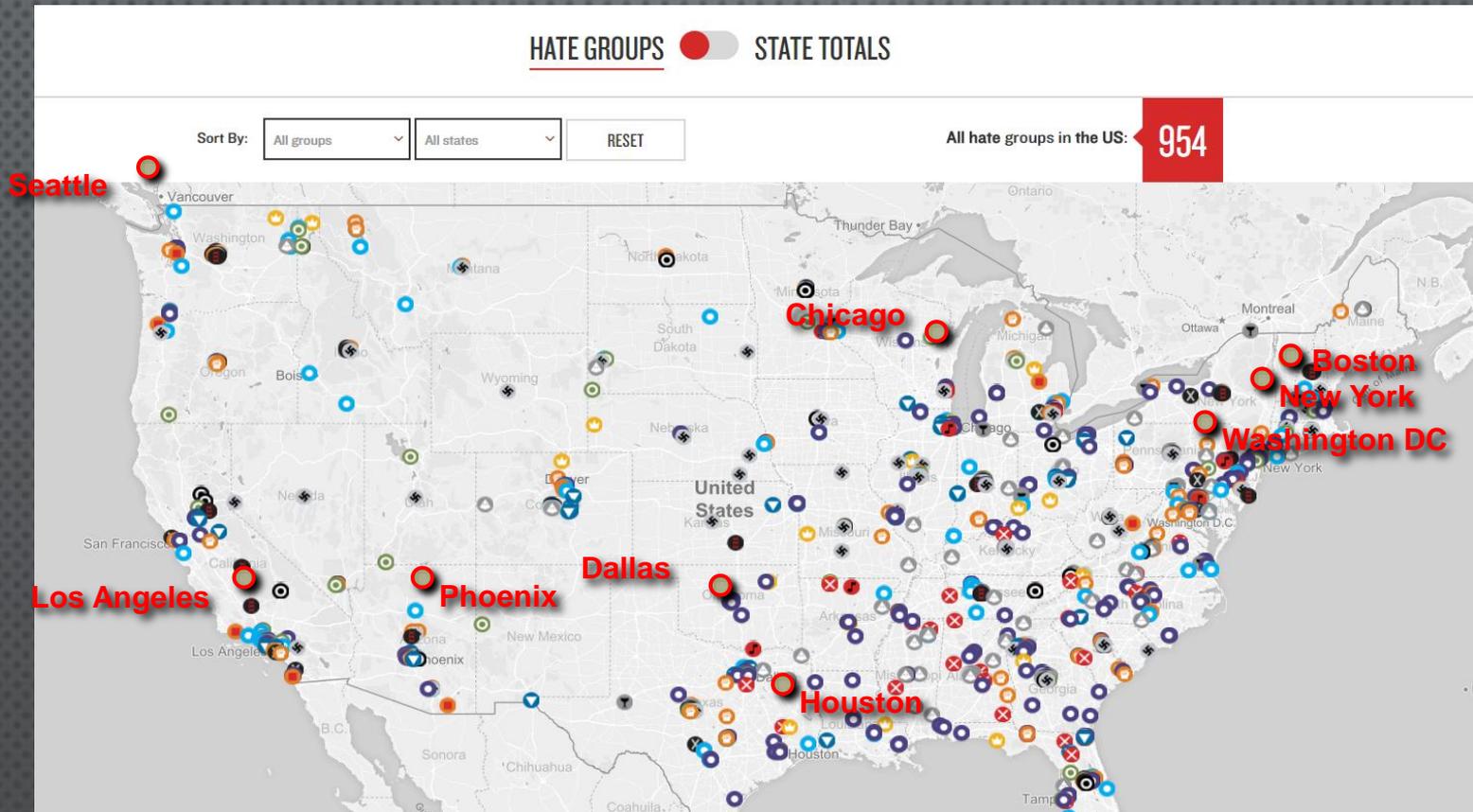
\*FBI statistics



# GLOBAL TERRORISM DATABASE ATTACKS (1970 – 2016)



# SOUTHERN POVERTY LAW CENTER ("RIGHT-LEANING") HATE GROUPS





# RECAP

- **CHEMICAL STEW- SECURITY REGULATIONS TARGET SPECIFIC INDUSTRIES**
- **OSHA AND PREMISES LIABILITY APPLY TO ALL**
- **WPV- PREVALENT THROUGHOUT US**
- **ACTIVE SHOOTER- INCREASING TREND**
- **TERRORISM NETWORKS, HATE GROUPS PRESENT**

# WHAT CAN YOU DO?

- **THREAT & VULNERABILITY ASSESSMENT (TVA)**
  - **ASSESS RISKS**
  - **INTERVIEW A TRUE “CROSS-SECTION” OF FACILITY PERSONNEL**
  - **REVIEW POLICIES, SOPs, ETC.**
  - **UNDERSTAND FACILITY CULTURE**
  - **EVALUATE ACCESS CONTROLS, SITUATIONAL AWARENESS**
  - **USE OF CPTED PRINCIPLES (“CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN”)**
  - **PRIORITIZED RECOMMENDATIONS**
- **PROTECT TVAs FROM FOIA/DISCLOSURE**

# CONSIDER RISKS LOCALLY

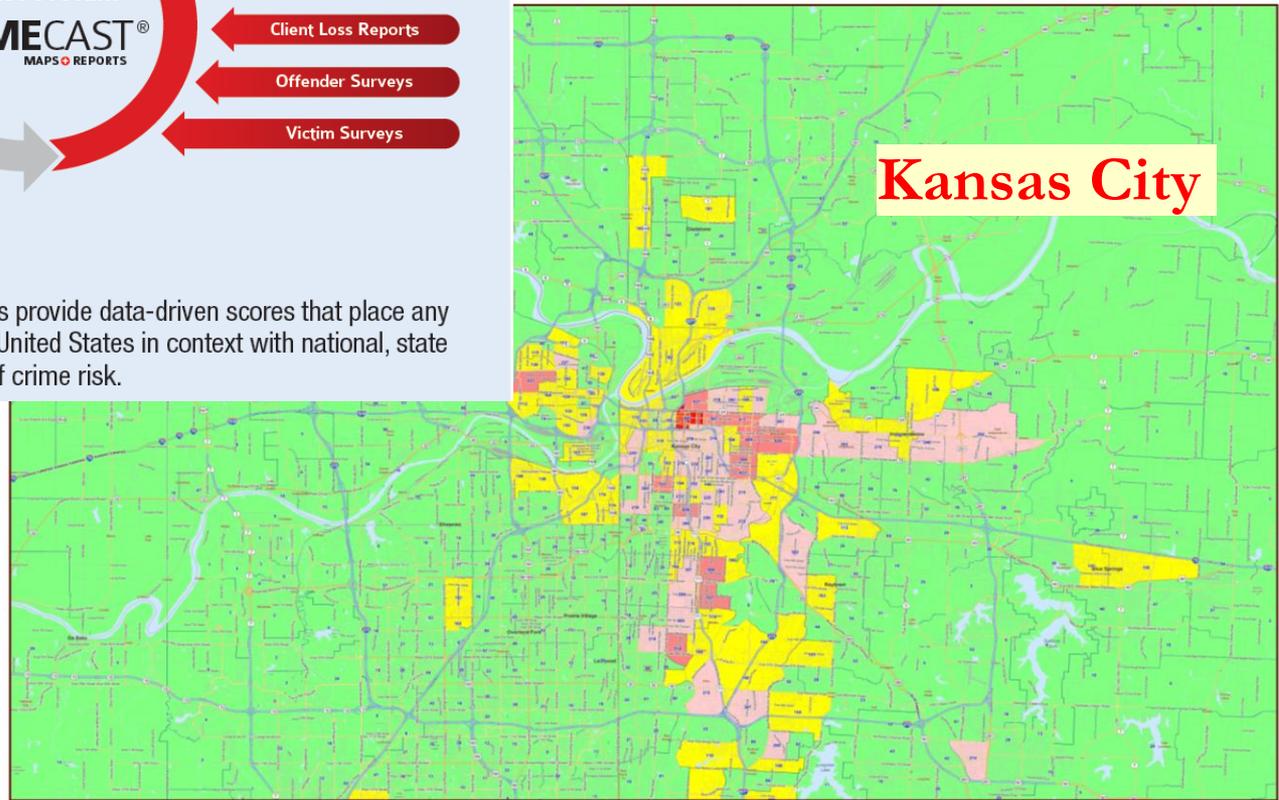
## CRIMECAST® Model



### The result?

CRIMECAST Reports provide data-driven scores that place any location within the United States in context with national, state and county levels of crime risk.

## CRIMECAST® Citywide Map



CRIMECAST®  
citywide maps

Map Scale  
0 miles 4 8

2017 Census Tract CAP Index Score  
0 - 99 100 - 199 200 - 399 400 - 799 800 - 2000

# ASSESS RISKS BY SECTOR

The Risk Management Process for Federal Facilities: An  
Interagency Security Committee Standard

## Appendix A: The Design-Basis Threat Report

June 2017  
11<sup>th</sup> Edition



Interagency  
Security  
Committee

Unclassified – For Official Use Only (FOUO)

# HOW WILL YOUR FACILITY COMPARE?

## THE 3 PREMISES LIABILITY TESTS ?

- KNOWABLE?
- FORESEEABLE AT YOUR PROPERTY?
- DID YOU TAKE REASONABLE STEPS TO PROTECT?

## OSHA- GENERAL DUTY CLAUSE

- IS YOUR WORKPLACE FREE FROM RECOGNIZABLE HAZARDS THAT COULD INJURE OR KILL YOUR WORKERS OR VISITORS?

Thank you

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## Questions??

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