

The Chemical Facility Anti-Terrorism Standards (CFATS) Program: What Workers Need to Know



What is CFATS?

The Chemical Facility Anti-Terrorism (CFATS) Program was started by Congress in 2007 to prevent chemical facilities from becoming weapons of mass destruction. Congress gave the Department of Homeland Security (DHS) the authority to regulate chemical facilities to prevent terrorist attacks on those facilities. CFATS covers chemical facilities that use or store large quantities of certain chemicals listed in Appendix A of the DHS regulation. The program is characterized by its flexibility for employers to develop a plan to prevent a terrorist attack that is unique to its facility.

What do employers have to do?

Employers must complete an initial screening document to determine if the facility is covered by CFATS. If it is a covered facility, then the employer must develop a site security plan based on the risk level the facilities poses. Once DHS completes an inspection and approves of the plan, the employer must implement the plan. Site security plans are required to cover applicable elements including:

1. Restrict Area Perimeter
2. Secure Site Assets
3. Screen and Control Access
4. Deter, Detect, and Delay
5. Shipping, Receipt, and Storage
6. Theft or Diversion
7. Sabotage
8. Cyber
9. Response
10. Monitoring
11. Training
12. Personnel Surety
13. Elevated Threats
14. Specific Threats, Vulnerabilities, or Risks
15. Reporting of Significant Security Incidents
16. Significant Security Incidents and Suspicious Activities
17. Officials and Organizations
18. Record

What are my rights?

Workers and local unions have the right to:

- Know whether their facility is covered by CFATS.
- Participate in the development of the site security plan.
- Talk with the Department of Homeland Security inspector.
- Bargain over changes in the workplace that the employer is proposing in the site security plan.
- Whistleblower protections if a worker reports a violation of CFATS or a security weakness at the facility.
- Be trained on worker roles and responsibilities under the site security plan.

For more information: <http://www.dhs.gov/critical-infrastructure-chemical-security>

Risk Based Performance Standard 12 – Personnel Surety

RBPS 12 requires employers to conduct background checks on employees if they are allowed to move freely through all areas of the worksite. DHS has allowed employers to collect vast amounts of unnecessary information that employers can use to terminate workers like credit checks, educational transcripts, child support payment history, lifelong criminal history, employment history, etc. In reality, employers only have to collect information for four reasons:

1. To verify and validate identity;
2. To check criminal history;
3. To verify and validate legal authority to work; and
4. To identify people with terrorist ties.

Other DHS-issued security credentials are approved to cover this requirement, like the Transportation Worker Identification Credential (TWIC card) in which these categories are checked by the government, rather than the employer.

The law passed by Congress in 2014 protects local union's rights to bargain over background checks, and DHS understands that we have this right. USW recommends that local unions bargain with their employers about these background checks. Some suggested topics for bargaining include:

- The types of information collected during this background check process;
- How that information will be stored and used and who will have access;
- A uniform policy on the effects of a background check on a worker's employment status (i.e. the consequences for certain findings in the background check);
- How often background checks are repeated;
- An appeals process for adverse decisions or incorrect information.