



FAQ Number: 1557

Date Published: March 26, 2010

Last Updated: May 02, 2017

Question: What should a facility do if it believes the risk-based tier determination that DHS has assigned it no longer reflects the actual security risk posed to the facility?

Answer: Section 27.120(d) of the CFATS Rule, [href="https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-120.pdf"](https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-120.pdf), allows a covered chemical facility that has modified the facility, its processes or quantities of materials it possesses, and that believes those modifications could affect its obligations under CFATS, to request a consultation under § 27.120(c). Consultations or technical discussions under § 27.120 can be relatively informal, but should be requested in writing to:

Amy Graydon , Acting Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, MS 0610, Department of Homeland Security, Washington, DC 20528.

In addition, under § 27.205(b), <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-205.pdf>, a covered chemical facility that has materially altered its operations may file a Request for Redetermination and may request a meeting regarding that request. Section 27.205(b) requires DHS to notify the facility of the results of the Redetermination request within 45 days of the request or within 45 days of the meeting.

Three methods are available for a covered chemical facility to submit a Request for Redetermination:

- (1) A request may be emailed to: CSAT Help Desk at csat@dhs.gov, ATTN: Request for Redetermination
- (2) A request may be submitted in writing to: Assistant Secretary for Infrastructure Protection (ASIP), c/o Amy Graydon, Acting Director, Infrastructure Security Compliance Division, (same address as above).
- (3) A request may be faxed to 866-731-2728, ATTN: Amy Graydon, Acting Director, Infrastructure Security Compliance Division, (same address as above).

Include the facility ID number assigned to the facility by the Chemical Security Assessment Tool (CSAT) to assist DHS in processing requests for consultation with the Coordinating Official and Requests for Redetermination by the ASIP. Such requests, especially Requests for Redetermination, should also include any relevant factual information or supporting documentation that you believe would explain or support the request. If any Chemical-terrorism Vulnerability Information (CVI), such as a change to the chemicals of interest (COIs) possessed by your facility, is included with your request, please ensure that the request is marked, packaged, and sent in accordance with the CFATS regulations for protection of CVI (see 6 CFR§27.400, <https://www.gpo.gov/fdsys/pkg/CFR-2016-title6-vol1/pdf/CFR-2016-title6-vol1-sec27-400.pdf>). A copy of the CFATS regulation, including the CVI requirements in 6 CFR § 27.400, is available at <http://www.dhs.gov/chemicalsecurity>.

Please note that requests for consultation or technical assistance under § 27.120 (d) and Requests for Redetermination under § 27.205(b) do not stay or extend any deadlines under the Rule applicable to your facility. If you wish to request an extension of any applicable deadline, you should submit such a request in writing, with any supporting explanation or justification, to: Assistant Secretary for Infrastructure Protection, c/o Amy Graydon, Acting Director, Infrastructure Security Compliance Division, (same address as above).

If you have any questions regarding CFATS issues, please contact the DHS CSAT Help Desk at 866-323-2957.



Question: Can a facility's tiering level ever change? How and why?

Answer: Yes. A facility's tier can change based on a revised Top-Screen submitted to DHS.

For example, a tier determination may change if:

1. Facility operations change significantly. This could include, for example, the removal or addition of chemical(s) of interest (COI), changes in operations or processes, and/or changes in threats or vulnerabilities. Such changes typically would be site-specific and will be reviewed on a case-by-case basis. When a facility makes a material modification to its operations or site, it must submit a revised Top-Screen within 60 days of the material modification. Following the submission of the revised Top-Screen, DHS may require the facility to submit supporting documentation, as well as a revised SVA/SSP, if needed.
2. Resubmission of a Top-Screen reveals changes in threat, vulnerability, or consequence. Facilities with approved SVA/SSPs are required to resubmit Top-Screens every two years for Tier 1 and 2 facilities and every three years for Tier 3 and 4 facilities.
3. In rare cases, DHS considers new information about a site, chemical, threat, or process that warrants revising an existing facility's tier up or down. DHS will provide appropriate notification to the facility of the reasons justifying a change in the facility's existing tier.

Please refer to CFATS Tiering Methodology Fact Sheet for more information found at <https://www.dhs.gov/publication/cfats-tiering-methodology-fact-sheet>