

Properly Securing Ammonium Nitrate



By

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Agriculture

- ◆ Ammonium nitrate is the best fertilizer for particular soil conditions
- ◆ Instant plant feed source
- ◆ Used throughout the world
- ◆ Less run off



Explosive

- ◆ Ammonium nitrate is a relatively inexpensive ingredient
- ◆ Mining industry relies heavily on ammonium nitrate
- ◆ Not regulated as an explosive



Secure Handling of Ammonium Nitrate

- ◆ Comments submitted through TFI
 - Regulate all 5.1 Oxidizer
 - Only those taking possession covered
- ◆ Economic Impact Study--Key
 - DHS does not want to create overlap if CFAT compliant, then facility would not have to take any further measures
 - Owner of process unclear, DHS does not like the idea of State Ag departments administering the program
- ◆ July round two



Secure Handling of Ammonium Nitrate Rule from an Industry Perspective

- ◆ Industry has worked to put effective regulation in place
- ◆ Customer certification
- ◆ Notification process
- ◆ Partnership with DHS
- ◆ Customer outreach by industry



Industry Voluntary Safeguards

- ◆ Engineering and operational controls
- ◆ Industry sharing of information ANNA, AICHE
- ◆ TFI “America’s Security Begins with You”
- ◆ TFI Security Code of Management Practices
- ◆ Know your customer



Industry Voluntary Safeguards

- ◆ Driver verification
- ◆ Customer confirmation
- ◆ Delivery confirmation
- ◆ Suspicious activity reports made to the Federal Bureau of Investigation



Misuse

- ◆ When used with proper safeguards ammonium nitrate is a safe and efficient source of energy either in plant food or for the explosive industry
- ◆ Several elements must be present for misuse
- ◆ Ammonium nitrate is one element just like an airplane or a delivery truck is one element in past man-made events



Continued challenges

- ◆ Defining what blends should be regulated
- ◆ Registration process
- ◆ Appeal process
- ◆ Risk shift, not removal of risk
- ◆ Criminal intent
- ◆ Fluid improvement process



DHS Path Forward

- ◆ DHS has considered comments received on the AN NPRM and consulted with other federal agencies, state officials, and industry in developing the NPRM
- ◆ The FY 2009 budget includes over \$5MN for implementing the AN program and the FY 2010 budget request stands at \$17MN
- ◆ ISCD plans to begin hiring new personnel including new inspectors to implement and enforce the AN regulations
- ◆ DHS expects to publish the AN NPRM this fall
- ◆ DHS will conduct extensive outreach on the AN regulations



Chemical Facility Anti-Terrorism Standard or CFATS

- ◆ *First question to answer is what is a chemical facility?*
- ◆ *Unfortunately, the regulation was finalized in June 2007. This question was not answered until November 2007 with the release of the final Appendix A document.*
- ◆ *Any facility with a STQ*



CFATS

- ◆ *Risk Based Performance Standards by DHS waiting for approval from OMB*
 - *Tier ranking letters sent once RBPS final*
 - *120 day clock starts upon receipt of letter*
 - *High level of confidence measurement*
 - *100% fence line 100% of time*
 - *All lighting and weather conditions*
 - *Personnel Surety*
- ◆ *SSP Submittal 1,500 questions*
 - *200 man hours – ACC pilot plants*
- ◆ *Measures within SSP must have AFE*
 - *Follow up inspection on date given to DHS for completion of the AFE*
 - *Armed guards?*



CFATS

- ◆ *Existing legislative authority sunsets in November 2009*
- ◆ *New bill under in House Homeland Security Committee*
 - *IST is in the new bill which will require a review by all covered facilities*
 - *Private right of action which opens the door for multiple litigation*
 - *MTSA and CFATS harmonization*
 - *Red Team exercise*
 - *State preemption*
 - *Sharing with Union Steward*



MTSA

- ◆ *FSP audits and drills*
- ◆ *Coast Guard fairly easy to work with from an industry perspective*
- ◆ *Captain of the Port only on going issue*
- ◆ *TWIC roll out continues*
- ◆ *TWIC reader rule*
 - *Risk Ranking of facilities*
 - *Daily for A, Monthly for B and wear for C*



TSA Rail

- ◆ *Rail Security Coordinator for each site shipping ammonia*
- ◆ *Chain of Custody in affect as of April 1st*
- ◆ *Suspicious activity with reporting requirements*
- ◆ **TSA says the attendee** “Is physically located on site in reasonable proximity to the rail car; (ii) Is capable of promptly responding to unauthorized access or activity at or near the rail car, including immediately contacting law enforcement or other authorities; and (iii) Immediately responds to any unauthorized access or activity at or near the rail car either personally or by contacting law enforcement or other authorities”
- ◆ *TSA expects to perform annual inspections*



Chemical Sector Coordinating Council and DHS Voluntary Activities

- ◆ *Ps-Prep “is to be almost entirely driven by private sector...”*
- ◆ *Chemical Security Summit in Baltimore*
- ◆ *R&D projects 58*
 - *Currently reviewing ammonia exposure and public impact*
- ◆ *Working on Sector Annual Report and Sector Specific Plans*
- ◆ *NLE-09*
- ◆ *Web based security awareness training*
- ◆ *VBIED traveling tour*
- ◆ *VCAT - Voluntary Chemical Assessment Tool for non-regulated chemical users and producers*
- ◆ *chemicalsector@hq.dhs.gov*



Questions?