



COMPRESSED GAS ASSOCIATION

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May 31, 2013

Department of Homeland Security
245 Murray Drive, SW, #14
Washington, DC 20528

RE: DHS-2012-0061

To Whom It May Concern:

The Compressed Gas Association (CGA), founded in 1913, is dedicated to the development and promotion of safety standards and safe practices in the industrial, medical, and food gases industry. CGA represents over 120 member companies in all facets of the industry – manufacturers, distributors, suppliers, and transporters of gases, cryogenic liquids, and related products and services. Through a committee system, CGA develops technical specifications, safety standards, and training and educational materials, and works with government agencies to formulate responsible regulations and standards and to promote compliance with these regulations and standards.

CGA represents all facets of the industry; manufacturers, distributors, suppliers, and transporters of compressed and liquefied gases, cryogenic liquids, and related products. Our sphere of expertise encompasses industrial, medical, electronic, and specialty gases in compressed or liquefied form, and a range of associated gas handling equipment. CGA is a North American organization with strong member participation in both the U.S. and Canada.

CGA supports the Department of Homeland Security's (DHS) continued evaluation and improvement of its Chemical Facility Anti-Terrorism (CFATS) Risk-Based Performance Standards (RBPS) 12, Personnel Surety, which will strengthen terrorist screening at our nation's high-risk chemical facilities.

CGA appreciates the opportunity to provide comments on RBPS 12 in response to DHS' March 22, 2013, Federal Register notice and seeks DHS' consideration of the following proposal:

CGA suggests that DHS establish a preclearance process for all unescorted personnel at CFATS regulated facilities. This process would draw from similar background checks utilized by other federal agencies, but with the additional step of checking the individual against the Federal Bureau of Investigation's Terrorist Screening Database (TSDB). For example, the current process for a Transportation Worker Identification Credential (TWIC) requires that individuals enter their own personal data into a web portal to initiate a background check prior to receiving a TWIC. For purposes of fulfilling the requirements of RBPS 12, an individual would also access a similar web portal such as the Chemical Security Assessment Tool (CSAT) to enter personally identifiable information (PII). Once the individual receives clearance from the TSDB check, that individual would receive a Special Identification Number (SIN) authorizing them to work at any CFATS facility for a period to match the current TWIC enrollment process.

When an individual arrives at a CFATS facility, facility personnel would verify the individual's identity by reviewing authorized government-issued photo identification such as a passport, TWIC, or driver's license and require that the individual produce the SIN which would be entered into a web portal allowing DHS to authorize access to the facility and pinpoint the individual's location. If the individual does not possess a proper credential, the facility has the right to restrict the individual's access. Contractors and third-party suppliers could provide to CFATS facilities, a list of precleared employees to facilitate entry into high-risk chemical facilities.

Every individual cleared by the TSDB must repeat the clearance process annually. An appeal process similar to the current TWIC appeal process should be provided.

This proposal would require:

- DHS to establish and maintain the process, enhance the CSAT to accommodate PII, complete the TSDB check, and issue the SIN;
- CFATS facility to manage the employee workforce to ensure a TSDB check, manage compliance with RBPS 12, and enter the SIN into an electronic database; and
- contractors/third-party suppliers to manage employees to ensure the TSDB check and to comply with the CFATS facility and DHS information requests.

CGA's proposal requiring preclearance and web-based technologies offers a host of advantages to high-risk chemical facilities as well as DHS, including:

- Reducing the burden on regulated facilities and third-party submitters by allowing individuals to voluntarily enter their PII prior to arrival at a facility;
- Reducing data privacy concerns by reducing the volume of PII collected and retained by CFATS facilities;
- Reducing data entry errors due to unfamiliarity with unique spellings or name formats, as well as from typos;
- Providing the necessary releases, consent forms, privacy notices and/or other administrative documents associated with collecting PII as part of the on-line application process;
- Providing DHS a simple method to determine specific facilities to which an individual has access through the use of a SIN;
- Reducing the amount of time required to process an individual when they arrive at a high-risk chemical facility which would benefit large facilities that may process hundreds or even thousands of persons each day; and
- Reducing the duplication of PII submissions made to DHS including those for contractors performing unscheduled maintenance and for industry emergency response personnel such as environmental services. Additionally, UPS drivers, janitors, and sanitation workers' PIIs would only need to be submitted once.

Finally, while understanding that national security concerns require a heightened level of confidentiality, CGA suggests communication, whenever possible, of known risks to affected facilities where an individual with known terrorist ties or who is listed on the TSDB attempts to enter a facility.

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CGA commends DHS for its continued development of CFATS programs and for providing stakeholders with the opportunity to provide comments on personnel surety practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tiller". The signature is stylized with a large, sweeping horizontal stroke across the middle.

Michael Tiller
President and CEO
Compressed Gas Association