



June 4, 2013

CFATS Program Manager  
Department of Homeland Security  
245 Murray Lane, SW., Mail Stop 0610  
Arlington, VA 20528-0610

**Re: U.S. Department of Homeland Security  
Docket No. DHS-2012-0061**

American Air Liquide Holdings, Inc. and its U.S. subsidiaries (collectively, Air Liquide or the Company) continue to closely monitor the Chemical Facility Anti-Terrorism Standards (CFATS). As a responsible operator, the security of Air Liquide employees, facilities, and the communities in which we operate are among the Company's highest priorities. We remain committed to chemical facility security regulations that meaningfully enhance the protection of our people and assets.

On March 22, 2013, the Department of Homeland Security (DHS) published a new Information Collection Request (ICR) in the *Federal Register* regarding the CFATS Personnel Surety Program (PSP) and seeks comments regarding the proposal. Air Liquide has closely followed the CFATS PSP for many years and is pleased to offer the following comments to the record:

**Submission of Personally Identifiable Information (PII) by Third Parties**

The submission of PII – particularly for large facilities with hundreds of individuals who must be vetted – will likely be a significant and time-intensive process. As indicated in previously submitted comments, Air Liquide believes that third parties should be permitted to assist high-risk facilities in managing PII submissions for vetting against the Terrorist Screening Database (TSDB) in accordance with 6 CFR § 27.230(a)(12)(iv). Air Liquide is pleased that DHS supports third party PII submissions by allowing high-risk facilities to submit PII "...by designating one or more individuals associated with a third party ... to a user role(s) designated for third parties..." 78 Fed. Reg. 17,684. However, Air Liquide seeks additional clarification and guidance on the mechanics of *how* the process of designating third party Chemical Security Assessment Tool (CSAT) user roles will work.

**Submission of PII 48 Hours In Advance for New Affected Individuals**

DHS is proposing to require high-risk facilities to submit PII to DHS for new affected individuals 48 hours prior to granting those individuals unescorted access to a "restricted area or critical asset." This requirement could create a burden on facilities as well as interfere with normal business practices. For instance, there may be circumstances in which a contractor would need access to a "restricted area or critical asset" to make a repair that is essential to continued facility operations. Many facilities simply do not have the personnel to ensure that the contractor is escorted at all times while in the "restricted area or critical asset." Collecting information from the contractor, submitting it to DHS, and then waiting 48 hours *before* granting access has the possibility to cause a negative business impact.

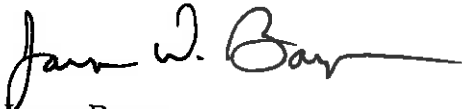
**Results of TSDB Vetting**

In the ICR, DHS explains that in the event of a match against the TSDB, “[h]igh-risk chemical facilities *may* be contacted as part of law enforcement investigation activity, depending on the nature of the investigation.” *Id.* at 17,683 (*emphasis added*). Air Liquide believes that notification to the facility of adverse TSDB findings is critical – the facility itself is generally the first line of defense against such a security threat because it has the ability (in most cases) to limit access to “restricted areas or critical assets” or otherwise take action.

The stated purpose of the CFATS program is to “reduce the risk of an individual with terrorist ties *obtaining access* to the restricted areas or critical assets at a high-risk chemical facility.” *Id.* (*emphasis added*). We believe that withholding adverse TSDB results from facilities actually increases the chances of an individual with terrorist ties accessing a “restricted area or critical asset” and urge DHS to reconsider this policy.

Thank you for the opportunity to submit comments to the record. Should you have any questions or require additional information, please do not hesitate to contact me by email at [james.bayer@airliquide.com](mailto:james.bayer@airliquide.com).

Sincerely,

A handwritten signature in black ink that reads "James W. Bayer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James Bayer  
Vice President, HSES  
American Air Liquide Holdings, Inc.