



AMERICAN PETROLEUM INSTITUTE

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Department of Homeland Security  
National Protection and Programs Directorate  
Office of Infrastructure Protection  
Infrastructure Security Compliance Division  
245 Murray Lane  
Stop 0610  
Arlington, VA 20528-0610

RE: Chemical Security Assessment Tool Revised Information Collection Request -- Docket  
No. DHS-2015-0058

To Whom It May Concern:

The American Petroleum Institute (API) offers the following comments on the Department of Homeland Security's Information Collection Request (ICR) [Docket No. DHS-2015-0058], "Chemical Facility Anti-Terrorist Standards (CFATS) Chemical Security Assessment Tool (CSAT)." API is a national trade association that represents over 650 members involved in all aspects of the oil and natural gas industry, including producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry. API members are committed to the effective management of the CFATS program and continued efforts to work with DHS to improve the program, both for the regulated community and the regulators.

API generally supports this revised ICR, which is integral to the performance of the CFATS regulatory program. DHS has measurably improved the CSAT's ability to gather the data needed to support the CFATS regulation. DHS, and the Infrastructure Security Compliance Division (ISCD) program staff in particular, are to be commended for the improvements they have made to these tools in response to numerous stakeholder outreach meetings.

Notwithstanding our general support of the CSAT, API members have identified language in the Top-Screen Tool requiring clarity. The Department's proposed language has the potential to significantly increase not only the regulated entities' burden, but also DHS's burden in analyzing the data provided. Due to the absence of explanatory information relating to specific questions

and proposed forms within the CSAT, affected operators will be unable to provide feedback on the quality of proposed estimates of the burden of hours for using these tools.

#### Language Clarification

When a user logs into the revised CSAT system to enter data in the new Top Screen and opens the Appendix A list screen, a drop down list with the Chemical Abstract Service (CAS#) identifiers provides a simple, rapid method of locating the Appendix A listed Chemicals of Interest (COI). This is a great new feature and we appreciate its addition to the Top-Screen Tool. However, the wording within the tool (Question 1.30.010 COI at the Facility) states, "Select all of the CFATS Appendix A chemicals at the facility." API and our members are concerned that users of the tool will interpret this language as a requirement to report all COIs present at the facility (including those below the screening threshold quantity). API is concerned that without clarifying that facilities must report only COIs that are present at the facility above the screening threshold quantity, facilities will erroneously report all chemicals that are on the Appendix A list to DHS regardless of their quantity. This would be an impermissible expansion of the CFATS regulatory reporting requirement that has the potential to increase the reporting burden placed on regulated facilities and would run afoul of the Paperwork Reduction Act.

The first question DHS asks in the revised ICR is whether the information is necessary for the proper performance of the functions of the Department. The likely reporting of COIs below the regulatory thresholds exceeds the regulation's scope. DHS offers no explanation for this potential broadening of scope, or the agency's intended use of the additional information. The expanded data collection would increase the burden on regulated entities and DHS staff, exceeds the Department's legal authorization, and deviates from the regulation's objectives. For these reasons, API strongly urges DHS to clarify the instructions in the CAS# dropdown menu.

Thank you for the opportunity to comment on this Information Collection Request. As has been the case, API and its members are committed to the safety, security and environmentally responsible management of the chemicals of interest our members produce, use and transport, and we look forward to continuing to work with our public sector partners, specifically DHS and ISCD, as the rulemaking evolves further.

Regards,



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