



THE CHLORINE INSTITUTE
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Department of Homeland Security
245 Murray Lane SW
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Arlington, VA 20528-0610

May 12, 2016

RE: 30 Day Notice And Request For Comments; Revision Of Information Collection Request: 1670 0007, Chemical Security Assessment Tool (CSAT), Docket Number: DHS-2015-0058

Dear Sir or Madam:

The Chlorine Institute ("CI" or the "Institute") is a 190 member, not-for-profit trade association of chlor-alkali producers worldwide, as well as packagers, distributors, users, and suppliers. The Institute's North American Producer members account for more than 93 percent of the total chlorine production capacity of the U.S., Canada, and Mexico. The Institute's mission chemicals, namely chlorine, sodium hydroxide and potassium hydroxide, and hydrogen chloride, are used throughout the U.S. economy and are paramount to the protection of public health.

Thank you for your very detailed response to our previously submitted comments published in the April 13, 2016 Federal Register (81 FR 21887). CI has additional input regarding DHS's change of enforcement process, time burden, 170 ft. radius value, and inter-agency data sharing.

Change Process and Time Burden

Within CI membership, there is a wide array of company size and organizational structure. Some larger members have entire security departments with multi-person staff. On the other extreme, some smaller members have employees whose responsibilities for regulatory compliance and CFATS compliance is only a portion of their job. For those smaller members, when regulatory compliance standards or enforcement changes, the additional burden to resubmit Top Screens has a significant impact. One particular member was asked by DHS over a dozen times to resubmit Top Screens for facilities that already had approved plans, based on the 170-foot radius distance of concern. Each new Top Screen took approximately 20 minutes to complete and for the facilities requiring a new Security Vulnerability Assessment ("SVA"), an additional 2 hours. After this process was complete for each facility, the site security plan did not change.

This additional time burden was also difficult to forecast. To our knowledge, there was no announcement by DHS to warn regulated facilities that they may need to resubmit information. The aforementioned member has nearly 70 regulated facilities; after the first wave of resubmission requests came, there was no way to predict if the company would be subjected to resubmittals for every facility.



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170 Foot Radius

CI requests DHS provide additional background information on the 170-foot radius in determining the distance of concern. Why has DHS chosen 170 feet, and not another distance? What is the basis for this number?

Inter-Agency Data Sharing

Executive Order 13650 – Improving Chemical Facility Safety and Security directed government agencies to create a means of “coordinated, flexible data-sharing process which can be utilized to track data submitted to agencies for federally regulated chemical facilities, including locations, chemicals, regulated entities, previous infractions, and other relevant information.” Therefore, it is likely that DHS will share distance of concern information with EPA and/or OSHA. With the new direction from DHS to calculate release scenarios from every container within a 170-foot radius, this will lead to downwind consequence values greater than reported to other agencies, who only consider the single largest container. CI is concerned that these reporting requirement discrepancies will create confusion as agencies share information. How does DHS plan to minimize the potential confusion?

Again, thank you for the opportunity to comment and your careful consideration.

Best Regards,

Robyn Brooks
Director - Health, Environment, Safety and Security