

Issue Alert

DHS Identifies “Chemicals of Interest” *Registration Deadline Set for Affected Facilities*

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On November 20, 2007, the Department of Homeland Security (DHS) published the final list of “chemicals of interest” found at Appendix A to the agency’s **anti-terrorism standards for chemical facilities**.

DHS’s regulations apply beyond the chemical industry. **Every facility that possesses any chemical in an amount at or above its “screening threshold quantity” (STQ) must file a “Top-Screen” registration at DHS by Tuesday, January 22, 2008.**

Appendix A includes chemicals that are commonly used in fertilizers, explosives and many industrial applications. Those on the list include ammonia, chlorine, ethylene, hydrogen peroxide, nitric acid, nitric oxide, propane, sodium nitrate and hundreds of others. DHS has identified chemicals and STQs reflecting terrorism risks such as a **release** affecting the community; **theft** for use in a weapon; and **sabotage or contamination**. DHS has provided instructions on how to measure chemicals found in solutions or mixtures.

DHS expects tens of thousands of companies and institutions to file Top-Screens. DHS will then notify “covered” facilities, which must prepare security vulnerability assessments and site security plans.

The Top-Screen and certain other documents are “chemical-terrorism vulnerability information” (CVI). CVI is subject to additional requirements governing handling, disclosure and who may access it.

Violations of these regulations are subject to an enforcement action by DHS, such as an administrative order and civil penalty.

The attorneys of Balch & Bingham are following this matter closely. For more information, please contact **Steven Burns** at (205) 226-8736 or sburns@balch.com. •