

URGENT - NEW CHEMICAL REGULATIONS

The Department of Homeland Security has new regulations that apply to 325 "Chemicals of Interest". These were issued in the Federal Register on November 20, 2007. These cover high-risk chemicals for possible terrorism.

A facility that has a Chemical of Interest above the Screening Threshold Quantity (STQ) must register and complete an initial screening questionnaire online (111 pages long). The deadline is January 22, 2008. The DHS will then review the submittal for security risk and notify high risk facilities for required followup submittals. Many facilities will not be subject to further actions.

If your facility has any of the following common chemicals, your situation should be thoroughly reviewed to determine if you are regulated.

| Chemical of Interest | Screening Threshold Quantity | Is the chemical present at Facility? | | |
|--|------------------------------|---|--------------------------|--------------------------|
| | | Yes | No | |
| <i>The following are risk for Theft and Diversion for creating Explosives or Weapons</i> | | | | |
| Aluminum (powder) | 100 lbs | Total amount in transportation packaging exceeds STQ, currently or within past 60 days? see note 1 | <input type="checkbox"/> | <input type="checkbox"/> |
| Chlorine (gas) | 500 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Magnesium (powder) | 100 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Nitric Acid (68% conc. or greater*) | 400 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Potassium Nitrate | 400 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Potassium Permanganate | 400 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Sodium Nitrate | 400 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>The following are risk for Release of Toxic Chemical</i> | | | | |
| Ammonia (anhydrous) | 10,000 lbs | Total amount at facility exceeds the STQ? see note 2 | <input type="checkbox"/> | <input type="checkbox"/> |
| Ammonia (20% conc. or greater) | 20,000 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Chlorine (gas) | 2,500 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Hydrochloric Acid (37% conc. or greater) | 15,000 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |
| Nitric Acid (80% conc. or greater*) | 15,000 lbs | | <input type="checkbox"/> | <input type="checkbox"/> |

* The common grade of Nitric Acid is 42 degree Baume which is 67.1%, and not covered by this regulation.

NOTES:

1. Check "Yes" if the facility either currently possesses or possessed within the past 60 days A Commercial Grade of the chemical at or above the STQ in transportation packaging. The facility shall only include the total aggregated quantity in transportation packaging, as defined in 49 CFR 171.8. This includes, drums, totes, bulk bags, gas cylinders, bottles inside or outside of a box, cargo tanks, and tank cars. This does not include materials in fixed storage tanks (as they are non-transportable and not easily stolen).

2. Check "Yes" if the facility either currently possesses or possessed within the past 60 days the chemical at or above the STQ. This applies to the total aggregated quantity both raw materials and in-process, including storage tanks, process tanks, and transportation containers. Not included are tanker trucks and rail cars that are still connected to the truck or locomotive that delivered it.

Exempted from the DHS regulations are articles as defined in 40 CFR 68.3, wastes (except P and U listed hazardous wastes), janitorial maintenance products, and personal items used by employees.

If you are unsure of your status, we should review this in detail. As with all regulations, there are a lot of details to be considered that cannot easily be summarized here. Because of the possible delays in receiving a password, we recommend starting the process early. In addition, we expect the DHS website to be overwhelmed close to the deadline. So early completion of the Top-Screen form is advisable.

Please contact us if you would like us to assess if your facility is covered by this regulation, or to obtain the complete list of these Chemicals of Interest.

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President