

WIVENHOE GROUP

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SECURITY LEGISLATION

- **2002 – Wastewater Security Act (not promulgated)**
- **2003 – 2004 Public Health Security and Bioterrorism Preparedness and Response Act (BPRA)**
 - **Amended CWA, Required SVAs and Emergency Response Plans for Existing Plants**
 - **Also mandated Procedures to Ensure Food and Drug Safety**
 - **BPRA was a Snapshot – New Facilities Are Not Affected, No Ongoing Review Required**
- **2003 – Hazardous Materials Transportation – 49 CFR Parts 171 – 178**
- **2003 – 2004 Maritime Transportation Security Act**
- **2003 – International Air Transportation Administration (IATA) Regulations**
- **2004 – 2006 City of Baltimore; MD State; New Jersey, New York – various state and local regulations**
- **2006 – DHS Chemical Facility Anti-Terrorism (CFAT) Standards, (ANPR) - 6 CFR Part 27**
- **2006 – Transportation Security Administration (TSA) Rail Transportation Security (ANPR) – 49 CFR Parts 1520 & 1580**
- **2007 – DHS CFAT Interim Final Regulations Rule Effective June 8, 2007 “Chemicals of Interest” List – Proposed**

Transportation Sector

- **Six Distinct Modes of Transportation:**
- **Air: 450 Commercial; 19,000 Regional Airfields**
- **Highway: 4 M Miles of Roads and Infrastructure**
- **Maritime: 41,300 Vessels; 655 B ton-miles Commerce**
- **Rail: 193,000 Miles of Track; 1.4 M Freight Cars; 8 Class I and 550 Other Rail Companies**

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SECURITY LEGISLATION

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- **Mass Transit: 6 K Public Transport Systems; 21 B Passenger Miles/yr**
- **Pipeline: Oil – 177,000 miles; 623 B ton-miles; Natural Gas – 1.3 M Miles of Pipeline**

Air

- **International Air Transport Association (IATA) Section 1.6**
- **49 CFR Parts 1500 – 1550**
- **Effective August 19, 2003 – Air Security transferred to DHS from DOT**

Highway

- **49 CFR Parts 172, 173 Hazardous Materials Transportation**
- **Security Plans**
- **Security Training for Sites with Security Plans**
- **Security Awareness Training for Others**

Hazmat Transportation Security Rule Overviews

- **Requirements May Apply To:**
 - **Any person who offers a HAZMAT for transportation in commerce**
 - **Transfer of control of HAZMAT to a person who physically transports HAZMAT off facility's property.**
 - **Any person who transports a HAZMAT in commerce**
 - **Physical relocation of a HAZMAT from the offering facility to an offsite location.**
 - **Minimize HAZMAT transportation risk and liability**
 - **Agency authority to inspect and assess fines immediately following compliance deadlines**
 - **Security Plan must address HAZMAT transportation risks associated with:**
 - **Personnel security**
 - **Unauthorized access**
 - **En-route security**
 - **Security Plan Training**
 - **Security Awareness Training**

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SECURITY LEGISLATION

Security Training

- “In-depth” Security Plan Training, con’t
- Frequency
 - Initially - within 90 days of Hazmat duties
 - “Immediately” following any non-administrative amendment to the Security Plan

Security Training

- DOT – every 36 months
- IATA – every 24 months
- IMDG – every 3 months (drills)
- Rail – under development
- General Awareness Training, con’t
- Frequency
 - Initially - within 90 days of Hazmat duties
 - DOT – every 36 months
 - IATA – every 24 months
 - IMDG – quarterly or upon USCG notification
 - Rail – under development

Recordkeeping

- Security Plan
- Audit reports
- Training records
 - Employee’s name;
 - Most recent training completion date;
 - Description, copy, or location of training materials;
 - Name and address of person providing the training; and
 - Certification that employee has been trained and tested
- Retain for as long as employee is employed as a Hazmat transportation employee and for 90 days thereafter

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Maritime

Maritime Transportation Security Act (MTSA) of 2002

- U.S. Coast Guard responsible for 33 CFR Parts 101-106, Ports and Waterways Security

SECURITY LEGISLATION

- Part 104 - Vessel Security Plans
- Part 105 – Facility Security Plans
- Part 106 – Outer Continental Shelf Facilities and Production Platforms

Transportation Worker Identification (TWIC)

- DHS nationally-mandated credentialing program for regulated facilities and operations
- 750,000 workers will need TWIC certification by September 30, 2008
- TWIC security background checks for all applicants
- All employees and unescorted visitors will have to apply for a TWIC
- 125 Enrollment Centers in 38 states

Rail

- Rail Transportation Security Act
- Proposed Rule, 21 Dec 2006
- 49 CFR Parts 1520 and 1580
- Applies to both freight & passenger rail
- Part 1520 – Information Security - rail audits, route information is Sensitive Security Information (SSI)
- Part 1580 – Rail Transportation Security – Appoint Rail Security Coordinator, report security concerns to TSA, provide location information to TSA upon request

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Pipelines

- **Transportation Security Improvement Act of 2005**
- **Under the direction of TSA for security, DOT Office of Pipeline Safety (OPS) for safety**
- **Rules are still under development; no specific security requirements or timetable are in place**
- **TSA is developing security standards**
- **OPS conducts inspections, investigates incidents**

- **2008 – DHS CFAT Final Regulations Final “Chemicals of Interest” List Approved**

- **2009 Drinking Water System Security Act (HR-3258)**

- **NEW AREAS OF INTEREST**
 - **Food Manufacturing**
 - **Education**
 - **Water/Wastewater**
 - **Financial Data**