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Security in the Fertilizer Industry

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Regulatory and Legislative Action

- Department of Transportation
- Federal Motor Carrier Safety Administration
- Transportation Security Administration
- U.S. Coast Guard
- U.S. Congress



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Department of Transportation

- Security Requirements for Offerors and Transporters of Hazardous Materials
- Assessments, Plans, Training
- Ammonia (anhydrous and solutions), Ammonium Nitrate, Sulfuric Acid, Nitric Acid and Potassium Nitrate



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DOT Security Plans

- Personnel – check previous employment
- Access – to transport vehicles, access to facility
- En-route – tracking



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DOT Training Requirements

- Awareness Training
 - Office Personnel
- In-depth Training
 - Anyone Handling Hazardous Materials (loading and unloading)



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Farmers and Foreign Entities

- Farmers must have a security plan
- Shippers must verify to the extent possible the carrier has a plan
- Foreign entities must comply with security rules when operating in the United States



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Transportation Security Administration

- Fingerprint background checks
- Commercial drivers (CDL) licensees with a hazardous material endorsement
- State licensing agencies to implement a system by Nov. 3, 2003, for new, renewal and those transferring a CDL



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Transportation Security Administration (cont.)

- Licenses cannot be issued until TSA notifies the state that the applicant is cleared
- Nov. 3 deadline will be extended
- TSA will continue to do name based checks regardless and notify if disqualified



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Coast Guard

- 5 interim rules covering area maritime security, vessel security, facility security
- Final Rules – Oct. 25, 2003
- Compliance – Nov. 25, 2003



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Coast Guard (cont.)

- Threat levels similar to national levels
- Increased security requirements at increased threat levels
- Requires security vulnerability assessments and plans submitted to Coast Guard



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Coast Guard (cont.)

- Facilities under, on, adjacent to navigable waters of the United States
- Facilities covered under 33 C.F.R. § 126, 127, or 154
- Fertilizers: Anhydrous, Ammonium Nitrate, Urea
Ammonium Nitrate, Ammonium Polyphosphate Solution,
Ammonium Thiosulfate Solution



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Coast Guard (cont.)

- Coast Guard plan
 - Designate a facility security officer
 - Address each vulnerability identified
 - Describe increased security measures at increased threat levels
 - Conduct drills every three months and exercises yearly
 - Training similar to the DOT security rules



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Coast Guard (cont.)

- Notice of arrival at U.S. ports
 - 24-hour notification for certain cargoes
 - Ammonium nitrate
 - UN 1942 in packages
 - UN 2070 in packages
- Inland waterway barge and towing vessels
 - 4-hour notification before originating voyage
 - Report position and other information if carrying certain dangerous cargos



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Coast Guard (cont.)

- Certain Dangerous Cargo Designation
 - Currently only packaged ammonium nitrate
 - Coast Guard reviewing ammonium nitrate fertilizer in bulk



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Other Initiatives

- Homeland Security Council (White House) and DOT
 - Study of “unreasonable vulnerabilities” in transportation of certain toxic by inhalation chemicals
 - Anhydrous ammonia



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Legislative Proposals

- S. 157, the so-called “Chemical Security Act of 2003”, Sen. Jon Corzine (D-N.J.)
- S. 994, the “Chemical Facility Security Act of 2003”, Sen. James Inhofe (R-Okla.)
- Deal between Democrats and Republicans
- Voted S. 994 out of committee



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Legislative Proposals (cont.)

- Alternative Approaches
 - Compromise to inherently safer technologies
- Authority to Department of Homeland Security (DHS)
- Assessments and plans submitted to DHS
- Regulations within 1 year; 18 months later compliance
- Civil action by government in the event of a “new emergency threat”
- Protection under FOIA
- Penalties for non-compliance
- Credit for equivalent programs
- Credit if covered under other Federal laws if equivalent



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