

New Chemical Security Regulation

Beginning January 22, 2008 the U.S. Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) go into effect and pest management companies that possess a Screening Threshold Quantity (STQ) of a chemical of interest (COI) must submit a Top-Screen survey to DHS or be subject to significant monetary and other penalties.

Known as Appendix A, the list includes almost 300 chemicals of interest. Only three of the COIs listed, however, are used with much frequency by pest management companies - aluminum and magnesium phosphide and phosphine. The proposed Appendix A that came out in April included methyl bromide, sulfuryl fluoride, chloropicrin, and urea but those chemicals were removed from the final COI list that was published in late November. [Click here](#) to read Appendix A in its entirety.

The STQ for phosphine is 15 pounds while the threshold for aluminum and magnesium phosphide is the U.S. Department of Transportation (DOT) placarded amount. Links to the DOT letters outlining the placarding requirements for aluminum and magnesium phosphide are provided below under "Resources."

Pest management companies possessing the threshold amounts of phosphine and aluminum and magnesium phosphide must complete and submit a Top-Screen to DHS by January 22, 2008. Failure to comply with the rule could result in civil penalties of up to \$25,000 per day or the shutdown of the facility. [Click here](#) to register and submit a Top-Screen.

Under the rule, pest management companies that possess a COI at or above the threshold quantities listed on Appendix A must complete a Top-Screen assessment within 60 calendar days of receiving the chemical. Once a facility fills out the assessment, DHS will decide whether the chemical poses enough of a terrorist risk that the facility's security measures should be regulated.

In an attempt to get clarification on some aspects of the rule we have recently exchanged correspondence with DHS officials. DHS also recently delayed the implementation of CFATS for agricultural operations. Therefore, a pest management company that has the phosphine needed to treat raw agricultural commodities at an agricultural production facility drop shipped to the facility by a manufacturer or chemical distributor is not required to submit a Top-Screen at this time. NPMA's letter and DHS' response are provided below under "Resources" as well as an earlier letter from DHS announcing the delayed implementation of CFATS for agricultural operations.

In Summary

You must submit a Top-Screen if:

- You possess more than 15 pounds of phosphine, or
- You possess an amount of aluminum and/or magnesium phosphide greater than an amount that would require a DOT placard (For example, licensed pest control operators possessing less than 21 kilograms (46.3 pounds) of metal phosphide products manufactured or distributed by Degesch America or Pestcon Systems, Inc. are exempt from submitting a top-screen).

You are not required to submit a Top-Screen if:

- You possess less than the amounts specified above, or
- When you use any of these products to treat a raw agricultural commodity, you and have the material drop shipped to the treatment site.

Resources:

- [DHS Regulation and List of Chemicals of Concern](#)
- [Web Site for Submitting Top-Screen](#)
- [DOT Placarding Exemption for Degesch America Products](#)
- [DOT Placarding Exemption for Pestcon Products](#)
- [NPMA Letter to DHS -Clarification of Appendix A](#)
- [DHS Response Letter to NPMA](#)
- [DHS Extension for Agricultural Production Facilities](#)

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