

State of New Jersey
Domestic Security Preparedness Task Force

Domestic Security Preparedness)
Best Practices Standards At TCPA/DPCC)
Chemical Sector Facilities)

BEST PRACTICES STANDARDS AT
TCPA/DPCC CHEMICAL SECTOR FACILITIES

WHEREAS, the events of September 11, 2001 and the attack against civilian targets in the United States required the State of New Jersey and all states to increase domestic security preparedness; and

WHEREAS, on October 4, 2001, the Legislature of the State of New Jersey enacted the Domestic Security Preparedness Act (hereinafter the Act); and

WHEREAS, the Act authorizes and directs the New Jersey Domestic Security Preparedness Task Force (hereinafter the Task Force) to provide statewide coordination and supervision of all activities related to domestic preparedness for a terrorist attack or any other technological disaster by ensuring that there is a comprehensive program of domestic preparedness to deter, prepare for, respond to, and recover from incidents of terrorism; or any other technological disaster; and

WHEREAS, the Act authorizes the Task Force to adopt domestic security and preparedness standards, guidelines and protocols after review by the Infrastructure Advisory Committee (IAC) and approval by the Governor; and

WHEREAS, the Task Force has designated the New Jersey Department of Environmental Protection (hereinafter NJDEP) to serve as liaison to the Chemical Sector of the IAC; and

WHEREAS, the NJDEP, as agent for the Task Force, and the Chemical Sector, have developed Chemical Sector Best Practices that were subsequently reviewed by the IAC and adopted by the Task Force as standards and reviewed and approved by Governor James E. McGreevey on September 18, 2003; and

WHEREAS, the Act authorizes and directs the Task Force to identify and assess potential risks to domestic security and to the well-being of New Jersey's citizens, including risks to and disruptions of essential state and local infrastructures; and,

WHEREAS, the Task Force has determined that additional measures are appropriate to ensure accountability that appropriate prevention and response measures are implemented by the chemical sector to address emerging domestic security threats;

WHEREAS, the State of New Jersey has identified facilities within the Chemical Sector as possible targets of acts of terrorism; and

WHEREAS, NJDEP has undertaken, in coordination with the Task Force, Office of Counter Terrorism (OCT), and the New Jersey State Police, specific

preventive and protective measures at individual facilities in response to threats to those facilities; and

WHEREAS the following requirements were reviewed by the IAC, were reviewed and endorsed by the Task Force on October 6, 2005 and were reviewed and approved by Acting Governor Richard J. Codey on November 7, 2005;

NOW THEREFORE, the Task Force hereby adopts the following requirements as standards:

1. Chemical Sector facilities located in the State of New Jersey shall comply with adopted Chemical Sector Best Practices. For purposes of these standards, "Chemical Sector facilities located in New Jersey" (facilities) shall mean all facilities that are subject to the provisions of the Toxic Catastrophe Prevention Act (TCPA), N.J.S.A. 13:1K-19 et seq., or subject to the provisions of the Discharge Prevention, Containment and Countermeasure Program (DPCC) that are identified by any of the following Standard Industrial Classification (SIC) major groups: 28 (chemical and allied products), 30 (rubber and miscellaneous plastic products), 5169 (chemicals and allied products, not elsewhere classified), or the corresponding North American Industry Classification System (NAICS) codes (325,

- 326, and 424690);
2. Chemical Sector facilities located in New Jersey shall, within one hundred and twenty (120) days of the effective date of these standards, develop and provide access to NJDEP an assessment of facility vulnerabilities and hazards that might be exploited by potential terrorists. Such assessments shall be conducted by a qualified security expert, (who may be an employee of the facility or its parent company), shall employ a methodology that has been approved by the American Institute of Chemical Engineers' Center for Chemical Process Safety against its criteria for security vulnerability assessments, and shall include, at a minimum, consideration of: access and security provisions on the facility grounds (including the regular testing and maintenance of security systems); existing or needed security measures outside the perimeter of the facility (whether or not in the facility's control) that would reduce vulnerabilities to an attack on the facility; employee and contractor background checks and other personnel measures; information and cyber security; and storage and processing of potentially hazardous materials.
 3. Chemical Sector facilities located in New Jersey shall also, within

one hundred and twenty (120) days of the effective date of these standards, develop a prevention, preparedness, and response plan that identifies: the implementation status of all Best Practices identified by the Task Force, based on its degree of security risk; and all other measures that have been implemented or are planned to be implemented to eliminate or minimize risk of terrorist attack, to mitigate the consequences of any attack that does occur, or to respond to an attack that does occur. To the extent that the plan identifies measures that have not yet been implemented, the plan shall either present the schedule for implementation of the identified measure(s) or document that the costs of the measure(s) are not justified by the anticipated security and public safety benefits.

4. The process and development of the assessment and plans required by paragraphs 2 and 3 herein shall afford employees of the facility and their collective bargaining representatives (if any) a reasonable opportunity to identify issues that should be addressed in the assessment and plans. The assessment shall, at a minimum, detail the issues identified by employees of the facility and their collective bargaining representatives (if any) in the

assessment and planning process. The assessment shall also include the development and/or review of an Emergency Response Plan that addresses the issues identified by employees of the facility and their collective bargaining representatives (if any), the local Office of Emergency Management and the Department of Environmental Protection.

5. Facilities subject to the TCPA program shall conduct a review of the practicability and the potential for adopting inherently safer technology (IST) as part of the assessment and plan required by Paragraphs 2 and 3 herein. For purposes of this standard, "inherently safer technology" shall mean the principles or techniques incorporated in a covered process to minimize or eliminate the potential for an extraordinarily hazardous substance (EHS) accident that include, but are not limited to, the following:
 - 1) reducing the amount of EHS material that potentially may be released;
 - 2) substituting less hazardous materials;
 - 3) using EHSs in the least hazardous process conditions or form; and
 - 4) designing equipment and processes to minimize the potential for equipment failure and human error. Such review shall include analysis of whether adoption of IST alternatives is practicable and

the basis for any determination that implementation of IST is impractical. Such review shall be conducted by a qualified expert in chemical process safety.

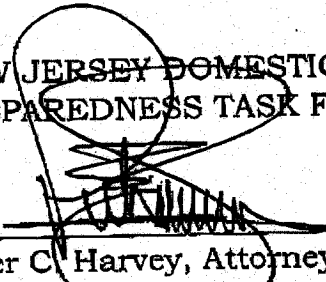
6. Each operator of a facility that receives a citation from the U.S. Occupational Safety and Health Administration or from the New Jersey Public Employees Occupational Safety and Health Program for an alleged violation of the Process Safety Management Standard, 29 CFR 1910.119, shall within three (3) business days of receipt, transmit a copy of such citation to the NJDEP.
7. A chemical Sector facility located in New Jersey shall report a breach of security at the facilities to their local law enforcement entity, OCT, and NJSP within 15 minutes of discovery of the breach and within 24 hours to NJDEP. A "breach of security" shall be deemed to include any incident in which unauthorized persons gain access to the facility or in which other security measures are compromised.
8. To the extent paragraphs 4 and 5 set forth more fully detailed requirements than those found in the Chemical Sector Best Practices approved by the Governor on September 18, 2003, Chemical Sector facilities shall comply with the requirements of

paragraphs 4 and 5 and the requirements found in the Chemical Sector Best Practices.

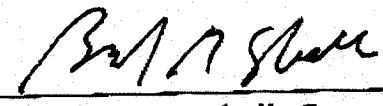
9. These standards are without prejudice to the authority of the Task Force or NJDEP to issue orders as appropriate to ensure domestic security preparedness.
10. All assessments, plans, reports and reviews required by these standards shall be maintained on site for inspection by representatives of NJDEP or the Task Force during normal business hours.
11. Chemical Sector Facilities located in New Jersey shall be subject to monitoring and inspection by the Task Force with respect to matters addressed in these standards.
12. NJDEP and the Task Force shall hold all documents submitted or obtained pursuant to these standards in a confidential and secure fashion, protected as privileged and confidential information under the authorities of the Domestic Security Preparedness Act, P.L. 2001, Ch. 246, N.J.S.A. App.A:9-69.6.c and N.J.S.A. App. A:9-74.11.a, and the Toxic Catastrophe Prevention Act, N.J.S.A. 13:1K-29. For the purposes of these standards, NJDEP will handle all such documents in accordance with the applicable requirements

participants. The service list of recipients of all notices and orders issued in implementation of these standards shall also be deemed privileged and confidential.

NEW JERSEY DOMESTIC SECURITY
PREPAREDNESS TASK FORCE


Peter C. Harvey, Attorney General
Chairman, Domestic Security Preparedness Task Force

Dated:

Dated: *November 21, 2005* 
Bradley M. Campbell, Commissioner
Domestic Security Preparedness Task Force Liaison
To the Chemical Sector