



DoD INSTRUCTION 5210.65

SECURITY STANDARDS FOR SAFEGUARDING DoD CHEMICAL AGENTS

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| Approved by: | Ellen M. Lord, Under Secretary of Defense for Acquisition and Sustainment |

Purpose: In accordance with the authority in DoD Directive (DoDD) 5135.02, this issuance establishes policy, assigns responsibilities, and provides guidance for:

- The execution of the DoD Chemical Agent Security Program.
- Security and personnel reliability programs for:
 - DoD chemical agents, consisting of Schedule 1 chemicals in DoD possession, as listed in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, also known and referred to in this issuance as the "Chemical Weapons Convention (CWC);"
 - Non-traditional agents (NTA) as listed in the March 18, 2020 Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs (ASD(NCB)) Memorandum; and
 - DoD munitions with a chemical fill at the chemical weapons storage facilities and their associated chemical weapons destruction facilities as declared in accordance with the CWC.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”) that possess DoD chemical agents used for research, medical, pharmaceutical, or protective (including training) purposes.

(2) DoD chemical weapons storage facilities and their associated chemical weapons destruction facilities as declared in accordance with the CWC.

(3) DoD organizations that provide technical escort of DoD chemical agents.

b. This issuance does **not** apply to:

(1) Recovered chemical warfare materiel.

(2) Chemical agent samples, wastes, or material recovered from former destruction, storage, or production facilities.

1.2. POLICY.

It is DoD policy that:

a. The DoD will comply with the provisions of the CWC and DoDD 2060.01.

b. The DoD will mitigate, to an acceptable risk, threats to security of DoD chemical agents, including theft, loss, diversion, release, or unauthorized access, transfer, use, or production.

(1) Authorities and responsibilities of the DoD Component commanders and directors for security of DoD property are delineated in Paragraphs 3.2. and 3.4. above the signature of DoD Instruction (DoDI) 5200.08.

(2) Requirements in this issuance do not repeal the responsibility of commanders or directors to apply more stringent security standards during emergencies, increased threat level or high risk determinations, or as deemed necessary pursuant to Paragraph C1.2.4 of DoD 5200.08-R.

c. Movement of DoD chemical agents be kept to a minimum consistent with operational, research, training, teaching, safety, and security requirements.

d. The number of people authorized access to DoD chemical agents be kept to the minimum consistent with operational, safety, and security requirements.

e. Individuals with a need to access DoD chemical agents above the limits defined in Section 9 or listed in the March 18, 2020, ASD(NCB) Memorandum, will be screened for suitability and reliability using the chemical personnel reliability program (CPRP) process in Section 5.

f. Internal control material weaknesses be reported in compliance with DoDI 5010.40.

g. International technology transfer and export control requirements for DoD chemical agents be implemented in accordance with DoDI 2040.02 and other applicable authorities, including, including: Section 2778 of Title 22, United States Code (U.S.C.), also known as the “Arms Export Control Act (AECA);” Chapter 58 in Parts 4801-4851 of Title 50, U.S.C., also known as the “Export Control Reform Act;” Parts 120-130 of Title 22, Code of Federal Regulations (CFR), also known as the “International Traffic in Arms Regulations (ITAR)” and Parts 730-774 of Title 15, CFR, also known as the “Export Administration Regulations (EAR).”

h. DoD Schedule 1 chemicals and NTA may be provided to support DoD and approved non-DoD purposes as authorized by law, and only in quantities and concentrations allowed for such purposes.

i. Ricin and saxitoxin, regardless of amount, are subject to the inventory and accountability requirements of Paragraph 4.7. Apply the acquisition and provisioning requirements of Section 8 when used for protective purposes. All other safeguards will be in accordance with DoDI 5210.88.

j. Schedule 1 precursors, regardless of the amount, are subject to the inventory and accountability requirements of Paragraph 4.7. and the acquisition and provisioning requirements of Section 8. Apply these requirements when used for protective purposes. Schedule 1 precursors do not require the personnel reliability provisions of this issuance. Establish site-specific procedures to ensure that Schedule 1 precursors are prepared, handled, tracked, and stored safely, in a manner to preclude loss of the precursors and prevent access by unauthorized personnel.

k. DoD Components not impose more restrictive implementing requirements for security of DoD chemical agents than those defined in this issuance unless such implementing guidance is approved by the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs (ASD(NCB)) or is implemented in accordance with Paragraph 1.2.b.(2). DoD Components are authorized to prescribe procedures to provide clarity or operationalize guidance.

1.3. INFORMATION COLLECTIONS.

The annual CPRP report, referred to in Paragraphs 2.1.h., 2.4.g., and 7.2.a. has been assigned report control symbol DD-AT&L(A)2582 in accordance with the procedures in Volume 1 of DoD Manual (DoDM) 8910.01.

SECTION 2: RESPONSIBILITIES

2.1. ASD(NCB).

Under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment, the ASD(NCB):

- a. Establishes security standards for safeguarding DoD chemical agents and CPRP standards for individuals with access to DoD chemical agents.
- b. Reviews all exceptions to this issuance for approval. This authority will not be delegated.
- c. Oversees the DoD chemical agent security program to confirm DoD Components maintain compliance with standards.
- d. Coordinates with the Department of Commerce, as necessary, to establish procedures for DoD compliance with maximum allowable limits of Schedule 1 chemicals under the CWC that may be produced, used, or stored by DoD Components; establishes a system to ensure DoD does not exceed those limits.
- e. Establishes quantities and concentrations of DoD Schedule 1 chemicals that warrant reduced security requirements.
- f. Establishes procedures that define the request, approval, and management processes for the provision or transfer of DoD Schedule 1 chemicals and NTA between DoD Components and to non-DoD entities.
- g. Approves DoD Schedule 1 chemical and NTA requests from non-DoD entities through interagency or other appropriate agreements.
- h. Establishes procedures for annual DoD Component reporting of statistical data concerning the CPRP.
- i. Establishes procedures for DoD Components to report DoD chemical agent accidents and incidents.
- j. Provides relevant threat assessment updates to the DoD Components on receipt.
- k. Develops and coordinates DoD chemical agent security classification guidance, as appropriate, and provides that guidance to the DoD Components to verify consistency in classification and dissemination of information.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND GLOBAL SECURITY.

Under the authority, direction, and control of the Under Secretary of Defense for Policy, and consistent with DoDD 5111.13 and DoDD 2060.02, the Assistant Secretary of Defense for Homeland Defense and Global Security:

- a. Coordinates on chemical policy and planning and represents the Under Secretary of Defense for Policy on interagency chemical security committees and working groups.
- b. Develops policy to support civil authorities for DoD preparedness, response and consequence management involving DoD chemical agents in accordance with the 2018 National Defense Strategy for Countering Weapons of Mass Destruction.
- c. Reviews and provides recommendations to the ASD(NCB) on non-DoD requests for DoD Schedule 1 chemicals and NTA, as appropriate.

2.3. DIRECTOR, DEFENSE INTELLIGENCE AGENCY.

Under the authority, direction, and control of the Under Secretary of Defense for Intelligence and in accordance with DoDD 5105.21, and in addition to the responsibilities in Paragraph 2.4., the Director, Defense Intelligence Agency, annually reviews and updates relevant threat capability assessments and provides them to the ASD(NCB).

2.4. DOD COMPONENT HEADS.

The DoD Component heads:

- a. Assign responsibilities and provide commanders or directors guidance to comply with the requirements, measures, and standards in this issuance.
- b. Establish a process for approval of waivers to this issuance and keep the ASD(NCB) informed of waiver approvals.
- c. Plan and program fiscal and personnel resources necessary to implement the policy and requirements in this issuance.
- d. Establish a process to certify that new DoD chemical agent facilities are compliant with this issuance, decertify facilities that are not compliant or no longer require certification, and notify the ASD(NCB) of the certification or decertification.
- e. Require that DoD Schedule 1 chemical agents and facilities are registered according to federal, State, and local regulations, all CWC-related declarations are submitted through the DoD Treaty Manager, and activities regarding these DoD Schedule 1 chemical agents and relevant facilities are identified and addressed according to CWC provisions.

f. Require that each DoD chemical agent facility is supported by an appropriately appointed competent medical authority (CMA).

g. Submit annual statistical data concerning the CPRP to the ASD(NCB) in accordance with guidance from the ASD(NCB) and Paragraph 7.2.a.

h. Coordinate and approve, as part of pre-event planning, proposed public releases of information pertaining to DoD chemical agents with the Director, Washington Headquarters Services (WHS), pursuant to DoDI 5230.29. Once the Director, WHS, has cleared information for public release, coordinate with the Assistant to the Secretary of Defense for Public Affairs before release, pursuant to DoDD 5122.05. Coordinate information related to public safety as part of pre-event planning, but information release during an incident will not be delayed and will be in accordance with local agreements. Notify Director, WHS, and the Assistant to the Secretary of Defense for Public Affairs immediately when such information is released.

i. Maintain Schedule 1 chemical inventory and accountability in accordance with the CWC provisions, guidance from the DoD Inventory and Accountability Manager (DIAM), and this issuance.

j. Maintain NTA inventory and accountability in accordance with guidance from the DIAM and this issuance.

k. Request transfer and use of DoD chemical agents in accordance with the requirements in Section 8.

l. Ensure that DoD chemical agent facilities establish safety and security procedures commensurate with other regulations and the risks associated with the material for DoD Schedule 1 chemical and NTA levels below the exemption limits described in Section 9 or the March 18, 2020, ASD(NCB) Memorandum, respectively.

m. Establish inspection process for DoD chemical agent facilities.

n. Endorse deviation requests forwarded to the ASD(NCB).

o. Establish documentation requirements that are not addressed in this issuance.

p. Require that DoD Schedule 1 chemical agents and NTA facilities establish plans, procedures, and processes to secure, safeguard, or destroy DoD chemical agents in the event of emergency situations (e.g., natural disasters, fires, power outages, and general emergencies in DoD chemical agent facilities).

2.5. SECRETARY OF THE ARMY.

In addition to the responsibilities in Paragraph 2.4., the Secretary of the Army:

a. Designates the DIAM and notifies the ASD(NCB) of the designation and any subsequent changes. Ensures that the DIAM supports DoD management of DoD Schedule 1 chemicals and NTA by:

(1) Coordinating with DoD Component heads and the ASD(NCB) on DoD inventory reporting requirements for DoD Schedule 1 chemicals to maintain compliance with the CWC and Public Law 110-181.

(2) Coordinating with DoD Component heads and the ASD(NCB) on DoD inventory reporting requirements for NTA.

(3) Tracking and accounting for DoD Schedule 1 chemicals and NTA at each facility.

(4) Issuing guidance, as necessary, to DoD chemical agent facilities and non-DoD facilities to clarify policy for inventory and accountability procedures.

(5) Coordinating with ASD(NCB) on any issues that may impact the ability of the DoD to meet CWC requirements pertaining to Schedule 1 chemical provisioning or accountability.

(6) Maintaining a register of current and previous facility chemical agent accountability officers in accordance with record retention standards in Section 7.

(7) Providing information about DoD Schedule 1 chemical and NTA inventory and current and previous facility chemical agent accountability officers for DoD chemical agent facilities and non-DoD facilities to the ASD(NCB) upon request.

b. Operates the single small scale facility (SSSF) and the protective purposes production facility in accordance with the CWC, and provides Schedule 1 chemicals from the SSSF in accordance with Sections 8 and 9.

c. Designates the DoD Provisioning Manager (DPM).

d. Designates the Army Inspector General as the primary authority for conducting oversight inspections for DoD chemical agent facilities on behalf of the ASD(NCB).

SECTION 3: DEVIATION PROGRAM (WAIVERS AND EXCEPTIONS)

3.1. Deviations from the requirements of this issuance require an approved waiver or exception. Deviations are cases where the requirements of this issuance are not implemented.

a. The DoD Component head, or his or her designee, is the approval authority for waivers to this issuance. A waiver may be approved for temporary relief from a specific requirement prescribed in this issuance, pending actions to conform to the requirement. Such waivers will be approved for only as long as needed and will not exceed 1 year; an extension may be approved for no more than 1 additional year. While a waiver is in effect, implement compensatory security measures as needed to mitigate any increase in risk or vulnerability to an acceptable level. The DoD Component will notify the ASD(NCB) of approved waivers.

b. The ASD(NCB) is the approval authority for all exceptions to this issuance. An exception may be approved for permanent relief from a specific requirement as prescribed in this issuance when there are unique circumstances at the DoD chemical agent facility that make conforming to the requirement impractical or an inappropriate use of resources. Implement compensatory security measures to mitigate any increase in risk or vulnerability to an acceptable level.

3.2. Forward requests for waivers and exceptions to this issuance through the chain of command to reach the DoD Component within 30 days of initiation. Within 30 days of receipt, the DoD Component will review and respond to waiver requests or will forward exception requests to the ASD(NCB). The ASD(NCB) will review exception requests and respond within 30 days of receipt. Requests for deviations will include:

a. Any risks and vulnerabilities associated with granting the deviation, ensuring they are classified in accordance with current guidance.

b. Recommended compensatory security measures to mitigate any increased risk of vulnerability as a result of the deviation.

c. The projected duration of the deviation.

d. A complete and specific justification indicating why the deviation is required.

e. The projected costs associated with the recommended compensatory security measures.

f. A recommendation from the DoD Component head for requests forwarded to the ASD(NCB).

3.3. Whenever deviation conditions or compensatory measures change, send a request for an amendment to, or cancellation of, the waiver or exception, to the office that granted approval of the original request.

3.4. Physical security surveys, reports, and inspections will include a review of approved deviations to verify that conditions described in the request remain accurate and that compensatory measures are fully implemented. The physical security survey or inspection report will include a comment regarding the actions taken as a result of that review.

SECTION 4: SECURITY REQUIREMENTS AND MEASURES

4.1. GENERAL.

This section details the security standards necessary to reduce the risk of compromising DoD chemical agent security and to safeguard DoD chemical agents from theft or unauthorized access.

- a. Secure, store, and transport DoD chemical agents in accordance with DoDI 5200.08, DoD 5200.08-R, Volume 6 of Defense Explosives Safety Regulation 6055.09, and the security standards in this issuance.
- b. Do not co-locate DoD chemical agents with unrelated arms or ammunition.
- c. Report DoD chemical agent accidents and incidents as described in Section 7.
- d. Security planning and execution will be in accordance with DoDI 5200.08 and based on the standards identified in this issuance and a site-specific risk assessment of the facility. Use an appropriate risk management process in accordance with DoDI O-2000.16, Volume 2, to assess the threat and vulnerabilities and provide the facility commander or director with courses of action to mitigate the vulnerabilities or accept the risk.
- e. The commander or director of a DoD chemical agent facility will conduct and document an initial site-specific risk assessment, then review and update it annually or as a new vulnerability or threat becomes known. The risk assessment will consider the current threat assessment, physical surveys, and antiterrorism standards from DoDI O-2000.16, Volume 2. For DoD chemical munition facilities, the risk assessment will consider the results of security force training exercises.

4.2. PHYSICAL SECURITY SYSTEMS.

- a. The DoD chemical agent facility commander or director will establish a reliable security system and process that provides the capability to detect, assess, deter, communicate, delay, and respond to unauthorized attempts to access DoD chemical agents. Security requirements for non-DoD facilities that are provided DoD Schedule 1 chemicals and NTA will be delineated in specific provisioning agreements in accordance with Section 8.
- b. Commanders or directors of DoD chemical agent facilities will develop a physical security plan to mitigate vulnerabilities or accept a risk in accordance with DoDI 5200.08.
 - (1) The physical security plan will be based on a systematic approach in which threats are identified and defined, vulnerabilities are assessed, and a risk management process is applied. Acceptable risk will be determined using a risk-based process executed at the DoD chemical agent facility level, in coordination with the installation staff, and approved by the facility's most senior commander or director.

(2) If the DoD chemical agent facility is a tenant on a military installation, the physical security plan for the facility will be integrated into the host installation plan. The DoD chemical agent facility commander or director will identify any off-installation support requirements to the installation commander, who will incorporate those requirements into any installation agreements coordinated with off-installation agencies.

(3) The organization responsible for executing armed responses at DoD chemical agent facilities (when required by a site-specific risk assessment) will develop response plans in coordination with the supported chemical agent facility to implement acceptable support levels.

(4) The DoD chemical agent facility commander or director will review the physical security plan annually and revise as necessary. The plan will address or establish:

(a) Controls used to secure the DoD chemical agents from misuse, theft, loss, and unauthorized access or removal from areas approved for storage or use.

(b) Designation of chemical exclusion areas (CEAs) and controls for access to DoD chemical agents requiring access under the two-person rule; designation of chemical restricted areas (CRAs) for DoD chemical agents not requiring the two-person rule.

(c) Procedures to appropriately secure information in accordance with Paragraph 4.8.

(d) Initial and annual personnel trainings regarding procedures for securing DoD chemical agents, security and positive control of keys, changing access permissions or locks following staff changes, reporting and removing unauthorized individuals, access control and records requirements, and inventory control and other appropriate security measures. Additional trainings must also be provided whenever the entity significantly amends its security, incident response, or chemical safety plans.

(e) Procedures, reporting requirements, and administrative actions for lost or compromised keys, keycards, passwords, combinations, and security incidents and violations, including alteration of inventory records.

(f) Procedures to mitigate the presence of suspicious or unauthorized persons or activities that may potentially or actually attempt to misuse or remove DoD chemical agents.

(g) Procedures on how to identify and report suspicious packages before they are brought into or removed from DoD chemical agent storage or work area.

(h) Delineation of the roles and responsibilities for security management, including designation of a security officer to manage the facility's DoD chemical agent security program.

(i) Procedures for management of access controls (e.g., keys, keycards, common access card, access logs, biometrics and other access control measures). This may be accomplished by directly controlling or interacting with a service provider (e.g., a guard company).

- (j) Designation of personnel to manage the facility's intrusion detection system (IDS), including personnel with the IDS alarm code and criteria for changing it.
- (k) Procedures to test the IDS and manage its configuration.
- (l) Procedures to respond to an access control failure, IDS failure, or nuisance alarm.
- (m) Procedures to screen visitors in accordance with Section 6.
- (n) Procedures to document security awareness training for all employees in the CPRP. This will include annual insider threat awareness briefings, pursuant to DoDD 5205.16 on how to identify and report suspicious behaviors that occur inside the facility.
- (o) Requirements and procedures for all professionals involved in DoD chemical agent safety and security at a facility to share relevant information and coordinate efforts. The facility's safety and security professionals will meet on a regular or defined basis. This may be annually in conjunction with the physical security plan review, after a security incident, when there is a significant facility change that affects security, or in response to a threat.

4.3. SECURITY FORCES.

- a. In accordance with DoDI 5200.08 and DoDD 5210.56, installation commanders will issue the necessary regulations to protect and secure property and places in their command.
- b. There will be a sufficient security force available at all times to respond rapidly to unauthorized access (attempted or actual).
- c. The DoD chemical agent facility commander or director and the installation commander will determine the required response time for the security forces (from notification to arrival at the first security barrier) based on the site-specific risk assessment. The security barriers must be sufficient to delay unauthorized access until the security force arrives.
- d. Security force members will conduct and participate in realistic response force and site defense force training exercises of likely and plausible threat scenarios at a frequency determined by the DoD Component. The training will be tailored to each DoD chemical agent facility based on the site-specific risk assessment conducted at the facility.
- e. Security forces will develop plans to recover DoD chemical agents in the event of their loss.
 - (1) Plans will include personnel to be used (e.g., military, civilian law enforcement, government police or guards), rules of force or engagement, and incident reporting requirements. The installation commander responsible for recovery forces is responsible for the recovery plan and for civilian agency agreements and integration of installation recovery personnel with civilian law enforcement personnel.

(2) These plans will be exercised and evaluated at least annually with security forces and civilian law enforcement (if available) and other appropriate responders (e.g., fire department) to determine the effectiveness of the plan and capabilities of recovery forces. Conduct plan updates and training when execution indicates the need or in accordance with DoD Component guidance.

4.4. SECURITY MEASURES.

a. Security Barriers.

DoD chemical agent facilities must have security barriers that both deter intrusion and deny access to areas containing DoD chemical agents by unapproved personnel. Barriers may consist of physical obstacles (e.g., perimeter fences, walls, locked doors, security windows), trained personnel (e.g., security guards, laboratory personnel, or escorts), or a combination of both, to provide a continuous ring of security or layering that provides security in depth.

(1) Enclose CEA at DoD chemical munition facilities by perimeter fencing to clearly delineate the area and to direct personnel to a specific entry point. The perimeter fencing will consist of two fences separated by not less than 30 feet or more than 150 feet (approximately 9 to 45 m). Clear zones, free of all obstacles, topographical features, and vegetation exceeding 8 inches (20.3 cm) high will extend at least 30 feet (9.1 m) inside the inner perimeter fence, between the fences, and at least 30 feet (9.1 m) outside the outer perimeter fence.

(2) Barriers may be designated personnel. These personnel must be trained and dedicated to the task of controlling access to or safeguarding DoD chemical agents when those agents are outside of a security container (e.g., outside secure storage in a training area).

b. Other Security Measures.

Perimeter security lighting, IDS, and cameras may be used to monitor access, but are not considered security barriers because they cannot, by themselves, prevent access.

(1) Perimeter Security Lighting.

DoD chemical munition facilities with perimeter fencing and IDS requirements will also be equipped with perimeter lighting in accordance with component prescribed standards. Research, development, test, and evaluation (RDT&E) and training facilities will determine perimeter lighting needs based on site-specific risk assessments.

(2) IDS.

Equip the IDS with monitoring capability (e.g., tamper alarms or serialized seals) to detect and report access (actual or attempted) to security monitoring or control systems, IDS equipment, junction boxes, or communication lines. Install a perimeter IDS on the chemical limited area (CLA) perimeter of DoD chemical munition facilities.

(a) DoD chemical agent facilities may consider using IDS based on a site-specific risk assessment. However, interior IDS will be installed on entry and exit doors of rooms containing DoD chemical agents stored in CEAs.

(b) DoD chemical munition facilities must be protected by an IDS unless the area is physically occupied. Configure the IDS to detect and report unauthorized access (actual or attempted) and meet the physical security standards in Volume 3 of DoDM 5200.01.

(3) Cameras.

Cameras can be used to monitor barriers or for other risk mitigation based on site-specific risk assessments.

4.5. ACCESS CONTROL.

a. Personnel must be enrolled in the CPRP by the CO for unescorted access to DoD chemical agents not exempted in accordance with Section 9. For access to DoD chemical munitions, sites will apply the two-person rule as defined in this issuance. The two-person rule as defined in this issuance does not apply when accessing DoD Schedule 1 chemicals or NTA used in RDT&E or training facilities unless need is justified by a site-specific risk assessment.

b. Visitors requiring access to DoD chemical agents will follow the procedures in Section 6.

c. The access control system will include provisions for the safeguarding of animals exposed to DoD chemical agents.

d. The DoD chemical agent facility personnel will maintain a register (automated or manual) to record the entrance and exit of visitors to CLAs or CRAs. The register will reflect the individual's name, entrance and exit time and date, and escort's name (if an escort is required).

e. The DoD chemical agent facility personnel will modify the access control system when an individual's access authorization changes.

f. Secure CEAs by at least two reliable security access control devices (e.g., card access system, key pads, cipher locks, mechanical locking device, biometrics) when cleared and authorized individuals are not present. A separate mechanical locking device must be present if an automated entry control system (AECS) is used.

g. Implement smart card technology in accordance with DoDI 8520.02.

h. All individuals approved for access to CEAs and DoD chemical agents must wear visible identification (ID) badges in front between the neck and waist that include, at least, a photograph, the wearer's name, and an expiration date.

i. The DoD chemical agent facility will implement a duress system to enable authorized personnel to covertly communicate an adverse situation.

j. An AECS may be used to control access instead of visual control if it meets the criteria stated in this issuance. The AECS will authenticate the individual's ID and verify the person's authority to enter the area through two separate methods that may include ID badges, cards, a personal identification number (PIN) entry device, or biometric device.

(1) An AECS ID badge or key card will use embedded sensors, integrated circuits, magnetic strips, or other means of encoding data that identifies the facility and the individual to whom the card is issued in accordance with DoDI 8520.02.

(2) Personal identity verification via biometrics devices may be used to validate the individual requesting access by one or more unique personal characteristics. Personal characteristics may include fingerprints, hand geometry, handwriting, retina scans, or voice recognition.

(3) Configure the AECS to maintain system integrity and to preclude compromise of electronic access data. The AECS will operate on a closed computer network specifically designed and established for the AECS. Data input to the system will require the badge custodian to have log-in and password privileges.

(4) A PIN may be required if smart card technology is used. The PIN will be separately entered into the system by each individual using a keypad device and will consist of four or more digits, randomly selected, with no known or logical association with the individual. Change the PIN if it is believed to be compromised.

(5) The AECS will authenticate the individual's authorization to enter CEAs with inputs from the ID badge or card, the personal identity verification device, or a keypad with an electronic database of individuals authorized to enter the area. A paper-entry access control roster will be maintained in the event of a system failure or as an alternative.

(6) Protection from tampering, destruction, or access control system failure will be established and maintained for all devices or equipment that constitutes the access control system. The protections can include welding door hinges and pins, eliminating exposed screw heads, ensuring that doors and walls delay access or IDS to detect unauthorized entry. These emergency systems will allow time for response forces to arrive as discussed in Paragraph 4.4.b. Protection will address covert entry into CEAs and CLAs through electrical, communications, or heating, ventilation, and air conditioning distribution and maintenance areas.

(7) Security and communications devices located outside the entrance to a CRA will be in protected areas or have tamper resistant enclosures. They will be securely fastened to the wall or other permanent structure to prevent unauthorized access through breaching of attachment mechanisms (e.g., screws, pins, bolts). Control panels located within a CRA will require only a minimal degree of physical security protection sufficient to preclude unauthorized access to the mechanism.

(8) Design and install keypad devices so that an unauthorized person in the immediate vicinity cannot observe the selection of input numbers.

(9) Electric strikes used in access control systems will be heavy duty, industrial grade.

4.6. DOD CHEMICAL AGENT STORAGE.

a. All DoD chemical agents designated as requiring two-person rule will be stored in secured containers or other approved storage devices within CEAs. This material will be secured in a manner that provides two CPRP-certified person integrity to verify movement into or out of storage.

b. For DoD Schedule 1 chemicals and NTA not identified in a site-specific risk assessment as requiring management under the two-person rule, movement into or out of storage requires the presence of a witness to validate the action. DoD chemical agents that are maintained in a DoD chemical agent use room will be secured by a DoD-certified locking mechanism prescribed by the DoD Component when the containers are not under direct supervision and control of authorized personnel.

c. Establish procedures for package and material controls, end-of-day security checks, after-duty access controls, and access records.

d. DoD chemical agents must be clearly marked and labeled to ensure proper handling and protection

4.7. INVENTORY AND ACCOUNTABILITY.

a. Each commander or director of a DoD chemical agent facility will designate the facility chemical agent accountability officer(s) and provide a copy of the designation to the DIAM. The facility chemical agent accountability officer(s) will provide inventory reports, as required, through the chain of command to the DIAM.

b. The DIAM, on behalf of the ASD(NCB), will provide guidance to the DoD Components regarding DoD Schedule 1 chemical and NTA inventory report formats (including appropriate forms for agent transfer and inventory accounting) and on segregation of duties. This guidance will include timelines for submission of the reports.

c. Each DoD Component will prepare semiannual inventory reports for DoD Schedule 1 chemical agent facilities and supported non-DoD facilities (including government, industry, academic, and contractor facilities) that possess, acquire, produce, consume, store, transfer, or dispose of accountable Schedule 1 chemicals in accordance with the CWC provisions, DoDD 2060.01, and DoDM 4160.21, Volume 1.

d. The DIAM will review the Schedule 1 chemical inventory reports and provide a consolidated report to the ASD(NCB) by March 1 and September 1. The consolidated report will identify the aggregate amount, by DoD Schedule 1 chemical agent, maintained at each DoD chemical agent facility and non-DoD facility. Immediately report to the ASD(NCB) if at any time, the DIAM becomes aware that DoD is within 90 percent of or has exceeded its allowance of CWC Schedule 1 chemicals.

e. Each DoD Component will prepare an annual inventory report on all facilities that possess, acquire, produce, consume, store, transfer, or dispose of NTA regulated by this issuance.

4.8. INFORMATION AND CYBER SECURITY.

- a. Protect DoD information systems and DoD information in electronic format in accordance with DoDI 8500.01 and comply with DoDI 8510.01.
- b. Public release of information will be in accordance with DoDI 5230.29 and DoDD 5230.09.

4.9. TRANSPORTATION.

- a. The transportation of DoD chemical agents will be in accordance with Chapter 204 of Part II of Defense Transportation Regulation 4500.9-R and Sections 1512 and 1512a of Title 50, U.S.C.
- b. Packages or containers containing DoD chemical agents will not be left unattended or unsecured while awaiting transportation.
- c. During the planning and preparation stages of transportation of DoD chemical agents off the confines of a military installation or certified non-DoD laboratory, a current risk assessment will be made including known threats and hazards. Planning for the move will include appropriate security measures in accordance with DoDD 5210.56, the mode of shipment in accordance with Defense Transportation Regulation 4500.9-R, the availability of security resources, and the source and availability of emergency assistance. Take all reasonable precautions for the safety and security of personnel and the security of DoD chemical agents.
- d. Any accidents or incidents involving the transportation of DoD chemical agents will follow the reporting procedures in Section 7. Further, the DoD chemical agent facility responsible for the shipment of DoD chemical agents is required to coordinate any DoD-specific requirements with the carrier.

SECTION 5: CPRP

5.1. GENERAL.

a. The purpose of the CPRP is to certify that each individual who is authorized unescorted access to the non-exempt amounts of DoD Schedule 1 chemicals and NTA meets high standards of integrity, trust, and personal reliability.

b. In most cases, the government reviewing official (REV) is the commander or director. However, the commander or director may designate a REV, as appropriate. The REV designates the certifying official (CO) and monitors the CPRP administered by the CO. The intent is for the REV to monitor certification decisions of the CO, to oversee the status and quality of the program, and to overturn CO decisions if procedures have been unfairly, inconsistently, or incorrectly applied. The CO is responsible for determining an individual's eligibility for CPRP certification.

c. For non-DoD facilities, the CPRP will be administered by a government REV appointed by the DPM. The REV will retain all inherently government decisions and functions including direct approval of CPRP enrollment and removal, and oversight of the status and quality of the program. The non-DoD facility leadership will nominate a contractor CO and CMA in writing for approval by the DPM. The contractor CO will be responsible for all initial decisions and administrative actions related to screening, continuing evaluation and other actions to support approval of final determinations by the REV. Further guidance may be included in the specific provisioning agreement.

d. Other personnel may be designated at DoD chemical agent facilities to assist in program management based on DoD Component implementing guidance.

e. Foreign nationals who receive escorted access to DoD Schedule 1 chemicals or NTA during training visits, assignments or exchanges, as specifically authorized by the facility commander or director and REV (if designated), will be processed in accordance with DoDI 2040.02; Parts 730-774 of Title 15, CFR; Parts 120-130 of Title 22, CFR; DoDD 5230.20; DoDM 5200.02; and DoDI 5200.02.

5.2. INITIAL CERTIFICATION.

a. The CO will require that initial screening for CPRP certification includes:

(1) **Initial Interview.**

The CO or other designated individual will conduct a personal interview with each CPRP candidate for individuals to acknowledge their understanding of Section 552(a) of Title 5, U.S.C., also known as the "Privacy Act of 1974," as amended; DoDI 5400.11; Public Law 104-191, also known as the "Health Insurance Portability and Accountability Act;" and component privacy program specifics. The interviewer will discuss the screening process with the individual as well as any relevant information as described in Paragraph 5.4. Advise individuals

that they must report any factors that could adversely impact their ability to perform CPRP duties, and that failure to report this information may result in denial of CPRP certification.

(2) Personnel Security Investigation (PSI).

(a) DoD chemical agent facilities.

Government employees and contractors must have a valid eligibility to access information classified at SECRET or higher.

(b) Non-DoD facilities.

A current and favorably adjudicated PSI is not required for the Provisioning Program, but may be used if available. In the absence of a PSI, the non-DoD facility CO will ensure appropriate background and credential checks are completed in accordance with Part 27 of Title 6, CFR, also known as the “Chemical Facility Anti-Terrorism Standards,” as amended, screening requirements and as specified in the provisioning agreement.

(c) Dossier Review.

Although not a requirement of the program, DoD chemical agent facilities may opt to review the most recent PSI of any individual in, or being considered for, the program.

(d) Foreign Nationals.

Process foreign nationals with requirements for access to DoD chemical agents in accordance with DoDD 5230.20, and DoDM 5200.02.

(e) Escorted Access.

COs, with RO concurrence, may approve escorted access to DoD chemical agents pending completion of the PSI. The investigation must have been opened and all other CPRP requirements have been completed and favorably reviewed.

(3) Medical Evaluation.

(a) The CO must be confident that the individual is medically, physically, and mentally competent, alert and dependable, and is not a threat for inadvertent or purposeful compromise of the DoD chemical agent program or mission. To that end, a CMA must provide the CO an evaluation of the individual’s medical and physical competence and mental stability to perform duties requiring CPRP certification.

(b) When a sexual assault victim elects restricted reporting in accordance with DoDI 6495.02, or the sexual assault victim is not eligible for restricted reporting and intends that the sexual assault remain confidential, the victim is required to advise the CMA of any factors that could have an adverse impact on performance, reliability, or safety while performing CPRP duties. The CMA will inform the CO if there are factors adversely impacting the individual’s CPRP eligibility without revealing that the person is a victim of sexual assault.

(4) Drug and Substance Abuse Testing.

Test all candidates for CPRP positions for drug and substance abuse and results reported to the CO before being certified into the CPRP pursuant to DoDI 1010.09 and DoDI 1010.01.

(5) Personnel Record Review.

The CO will review the individual's available personnel records. If records are not accessible the CO will coordinate with the appropriate supervisor, personnel manager, or other designated assistant or specialist to review the record and report any positive or negative factors that reflect on the individual's ability to perform CPRP duties.

(6) Position Qualification.

The CO will consult with the supervisor or hiring manager to verify that the individual has the appropriate professional or technical proficiency, skills and abilities to qualify for the position.

(7) Final Interview.

The CO will:

(a) Conduct a personal interview with each CPRP candidate just prior to final certification determination.

(b) Discuss any relevant information identified during the screening with the individual.

(c) Discuss the individual's responsibilities under continuing evaluation.

b. If the CO determines that the individual will be certified into the CPRP, the eligible individual will sign an agreement affirming his or her responsibility to abide by the requirements for maintaining CPRP certification.

c. If the CO determines that the individual does not meet the requirements for the CPRP, the CO will stop the screening process and deny CPRP certification. DoD Component guidance will establish documentation requirements.

5.3. CONTINUING EVALUATION.

Individuals certified under the CPRP are observed on a regular basis by peers, supervisors, and CPRP officials to determine if their behavior and performance meet all of the requirements of the program.

a. CO Observation.

COs will:

- (1) Observe the behavior and performance of individuals certified under the CPRP on a regular basis.
- (2) Consult with other CPRP officials and supervisors, as appropriate.

b. Individual and Peer Reporting.

Individuals certified in the CPRP are responsible for monitoring themselves and their CPRP-certified peers. Individuals and peers must report factors to the supervisor, CO, or CMA that could adversely impact the individual's ability to perform CPRP duties. Failure to discharge these responsibilities may cast doubt on an individual's reliability.

c. Supervisor and Security Manager Reporting.

These officials must notify the CO of factors that could adversely impact the individual's ability or reliability to perform CPRP duties.

d. Drug Testing.

Designate positions requiring CPRP certification for random testing. Report verified positive test results to the CO and result in termination (for cause).

e. PSI.

Individuals will complete periodic reinvestigations in accordance with DoDM 5200.02. An unfavorably-adjudicated reinvestigation that renders an individual ineligible for a security clearance will result in termination (for cause). Reinvestigations of non-DoD CPRP personnel may be conducted consistent with Chemical Facility Anti-terrorism Standards and provisioning agreement as with certification requirements in Paragraph 5.2.b. Reinvestigations for continuing evaluation may be conducted consistent with Part 27 of Title 6, CFR, required for security clearance eligibility. Provide results of investigations and checks along with CO recommendations to the REV for approval or denial of CPRP certification or retention.

f. Medical.

(1) Health records will include an individual's assignment to a position requiring CPRP certification to determine the proper treatment, review, and reporting of medical limitation and duration recommendations to the CO. Medical records will document relevant medical information that raises concerns about the individual's medical and physical competence and mental stability to perform duties requiring CPRP certification, the CMA's recommendations on that information, and the evidence of transmission to the CO.

(2) The individual will report any medical evaluation, treatment, or medication to the CMA in accordance with DoD Component guidance to determine if there is any effect on the individual's ability to perform CPRP duties.

(3) When a sexual assault victim elects restricted reporting pursuant to DoDI 6495.02 or intends that the sexual assault remain confidential, the victim is required to advise the CMA of any factors that could have an adverse impact on performance, reliability, or safety while performing CPRP duties. The CMA will inform the CO if there are factors adversely impacting the individual's CPRP status and if the person in question should be temporarily suspended without revealing that the person is a victim of sexual assault.

(4) When a sexual assault victim does not elect restricted reporting, the individual will report any factors that could adversely impact his or her ability to perform CPRP duties to the appropriate authority and then to the CO. The victim is required to advise the CMA of any factors that could have an adverse impact on performance, reliability, or safety while performing CPRP duties. The CMA will inform the CO if there are factors adversely impacting the individual's CPRP status and that the person in question should be temporarily suspended.

5.4. CPRP DENIAL OR TERMINATION CRITERIA.

Individuals are denied certification, or terminated from the CPRP if they:

- a. Do not meet the criteria established in Security Executive Agent Directive 4.
- b. Have medical, physical, or mental conditions that will have negative effects on CPRP duty performance.
- c. Have a positive drug test result.
- d. Fail to report any factors that could adversely affect their ability to perform CPRP duties.
- e. Fail to obtain or retain a favorably-adjudicated PSI.
- f. Are determined to be unsuitable or unreliable by the CO.

5.5. REMOVAL FROM CPRP DUTIES.

a. A CO may impose an administrative restriction or medical restriction on an individual when the individual is affected by short term conditions that may have a temporary effect on CPRP duty performance but do not raise concerns about the individual's suitability or reliability. Restriction will not be used for conditions that warrant CPRP denial or termination. When an individual is no longer required to perform CPRP duties, the CO will administratively terminate the individual from the CPRP. DoD Components may establish guidelines for duration limitations on restriction and suspension actions, and requirements for review and update of those actions.

b. When the CO receives information relative to the termination criteria in Paragraph 5.4., he or she will immediately suspend the individual while determining whether the facts warrant termination (for cause). When suspended, the individual may not perform duties requiring CPRP certification. Forward information relevant to the individual's security clearance eligibility through the security manager to the DoD Consolidated Adjudications Facility.

(1) Within 15 workdays of the suspension, the CO will provide the individual, in writing, the reason(s) for suspension. Individuals suspended will remain under continuous evaluation for CPRP purposes until terminated or reinstated into the CPRP.

(2) The individual will have 10 workdays from the date of receipt of the written notification to provide a response to the CO, if desired.

(3) Prior to terminating the individual from the CPRP for cause, the CO will consult with the REV to confirm that the procedures have been fairly, consistently, and correctly applied. This consultation will include review of the individual's response to the CO, if provided.

c. COs will verify that termination actions are accurately recorded in the affected individual's personnel record.

5.6. RECERTIFICATION INTO THE CPRP.

a. An individual denied certification or terminated for cause from CPRP may submit a request for recertification to the CO. The request will explain the causes that led to the previous denial or termination and provide substantive evidence that those causes no longer exist.

b. The CO and the REV must approve a recertification request before the individual is processed for a new initial screening. An individual may be approved for recertification by the REV, but may still be denied CPRP certification based on the new initial screening.

SECTION 6: VISITORS

6.1. All DoD chemical agent facilities will develop procedures for visitor entrance as part of the facility security plan. The plan will include procedures for:

- a. Determining who is eligible to escort.
- b. Allowing for routine cleaning, maintenance, repairs, or other activities not related to DoD chemical agents.
- c. Identifying designated points of entry and exit where search of visitor property and vehicles is required including parameters for that search.
- d. Identifying the security requirements for visitor entry to areas where DoD chemical agents are used or stored and documenting that the visitor was told of the requirements.

6.2. Personnel who are not CPRP-certified may have access to DoD chemical agents with the approval of the facility commander or director when escorted by a CPRP-certified individual as long as the visitor has an appropriate background investigation completed or in progress. For facilities requiring the two-person rule, the escort will require two CPRP-certified persons in accordance with the two-person rule.

6.3. The facility commander or director may permit unescorted entry into the CLA if DoD chemical agent containers are secured in accordance with Section 4. These personnel must have a need for entry, and have the appropriate personnel security investigation in accordance with local requirements. CPRP certification is not required. An individual granted unescorted entry to the CLA under this provision can serve as an escort for individual(s) who have not been granted unescorted access.

6.4. Foreign visitor requirements are in Paragraph 5.1.e.

SECTION 7: REPORTS

7.1. GENERAL.

a. DoD facilities will report DoD chemical agent accidents and incidents through command channels in accordance with DoD Component procedures to the ASD(NCB) or designee. (Non-DoD facilities will report chemical accidents and incidents in accordance with their provisioning agreement.) Report:

- (1) The theft, loss, recovery, suspected theft, wrongful disposition, and unauthorized use or destruction of DoD chemical agents.
- (2) Attempts to steal or divert DoD chemical agents outside of physical security controls.
- (3) Actual or attempted unauthorized access at a DoD chemical agent facility.
- (4) Actual or attempted unauthorized access at a non-DoD facility subject to a provisioning agreement with the DoD.
- (5) Significant or disabling damage to, explosion, or force majeure at a DoD chemical agent facility.
- (6) Release of DoD Schedule 1 chemicals or NTA external to the containment laboratory and into the ambient air or environment.
- (7) Accidents in which there was direct evidence of an occupational exposure to DoD Schedule 1 chemicals or NTA, injury, or death.
- (8) Other DoD chemical agent incidents not identified in Paragraphs 7.1.a.(1) through 7.1.a.(7) that the facility commander or director determines to be of immediate concern to DoD based upon the nature, gravity, and potential for adverse publicity or potential consequences of the incident.

b. The individual or facility will notify the appropriate federal, State, or local agencies of the theft, loss, or release of DoD chemical agents.

7.2. DOD COMPONENT REPORTS TO THE ASD(NCB).

The DoD Components will:

- a. Provide a CPRP status report no later than February 15 each year. The report will:
 - (1) State the DoD chemical agent facility submitting the report.
 - (2) Indicate the year for which the information is being reported.

(3) List the total number of personnel (separated into military, DoD civilian, and contractor employees) at each DoD chemical agent facility actually certified into the CPRP as of December 31.

(4) List the total number of personnel (separated into military, DoD civilian, and contractor employees) at each DoD chemical agent facility denied certification, terminated administratively, and terminated for cause during the calendar year.

(5) List the number of terminations categorized by primary reason for termination meeting the CPRP denial or termination criteria in Paragraph 5.4., or administrative termination in accordance with Paragraph 5.5.

(6) Include any comments noting trends or other relevant factors to assist future historical analysis.

b. Provide an executive summary of significant findings associated with department level inspections at DoD chemical agent facilities.

c. Provide an annual assessment of the health of the program.

7.3. RECORDS RETENTION.

a. In accordance with DoD Component guidance, DoD chemical agent facilities will maintain the following records and reports:

(1) Security incident reports, site-specific risk assessments, and record of site-specific risk assessment annual review.

(2) Inspection and exercise records and reports.

(3) Corrective action reports from external inspections.

(4) Training records for each individual with access to chemical agents and each escorted individual that includes name of individual, date of training, description of training provided, and the means used to verify the individual understood the training.

(5) Schedule 1 chemical and NTA inventory reports in accordance with Paragraph 4.8.

(6) Transportation records and delivery receipts.

b. Maintain all records and reports associated with this issuance for at least 3 years (unless a longer period is specified by another governing regulation such as Defense Transportation Regulation 4500.9-R) and then handled according to appropriate DoD Component instructions.

SECTION 8: ACQUISITION AND PROVISIONING OF DoD SCHEDULE 1 CHEMICALS AND NTA

8.1. DPM.

The DPM is designated by the Secretary of the Army to manage and execute the DoD Schedule 1 chemical provisioning program on behalf of the ASD(NCB). The DPM certifies and decertifies non-DoD facilities to receive and use DoD Schedule 1 chemicals and NTA on behalf of DoD and non-DoD customers. The DPM will also develop, maintain, oversee, and enforce provisioning and other support agreements that establish safety, security, accountability, personnel reliability, inspection and funding requirements for non-DoD laboratories certified to use DoD Schedule 1 chemicals and NTA for DoD and non-DoD work.

8.2. ACQUISITION BY DOD COMPONENTS.

DoD Components may obtain Schedule 1 chemicals from SSSF for permissible purposes other than protective, as defined in the CWC, for work to be conducted at a DoD or a certified non-DoD facility that meets the requirements of this issuance. For permissible purposes other than protective, DoD Components may also synthesize Schedule 1 chemicals at a DoD facility or obtain it from other sources in quantities permitted by the CWC. DoD Components may authorize appropriate facilities to synthesize or obtain NTA for DoD RDT&E work.

a. Work Performed at a DoD Chemical Agent Facility.

(1) Schedule 1 chemicals purchased from the SSSF.

(a) Requests for Schedule 1 chemicals by DoD components other than the Army for work to be done at a non-Army DoD facility will require approval of the ASD(NCB). The non-Army DoD component will:

1. Reimburse the Army for all costs associated with production, transport, and transfer of the Schedule 1 chemicals.

2. Assume ownership of the agent upon transfer from SSSF.

(b) The DIAM will review and concur or non-concur with the request for Schedule 1 chemicals.

(c) The DoD chemical agent facility performing the work will meet the requirements of this issuance, including accountability and disposition of the Schedule 1 chemicals in accordance with this issuance and guidance provided by the DIAM.

(2) DoD Chemical Agent Synthesized at a DoD Facility.

Synthesis of DoD chemical agent requires the concurrence of the DIAM and the approval of Headquarters, Department of the Army, Deputy Chief of Staff, G-3/5/7 (Attn: DAMO-SSD),

400 Army Pentagon, Washington, DC 20310-0400. Synthesis of more than 100 grams aggregate of Schedule 1 chemicals at a facility will require declaration in accordance with the CWC, and a request must be submitted to DAMO-SSD at least 240 days prior to the first synthesis. DAMO-SSD will notify the ASD(NCB) when such approval is given.

b. Work Performed at a certified non-DoD Facility.

For protective purposes work, the certified non-DoD facility must obtain the Schedule 1 chemicals from SSSF. For other permissible purposes, the non-DoD facility may obtain the Schedule 1 chemicals from SSSF, synthesize it, or obtain it from other sources.

(1) Schedule 1 chemicals Purchased from the SSSF.

The performing non-DoD facility must be approved for receipt of Schedule 1 chemicals from SSSF by the ASD(NCB) and certified by the DPM consistent with Paragraph 8.3. The facility will meet the requirements of this issuance, including accountability and disposition of the Schedule 1 chemicals in accordance with this issuance and guidance provided by the DIAM.

(a) The DIAM will review and concur or non-concur with the request for Schedule 1 chemicals.

(b) If the Schedule 1 chemicals are to be transported from SSSF to the non-DoD facility specifically for a project sponsored by an Army entity, the Army will retain ownership of the Schedule 1 chemicals.

(c) If the Schedule 1 chemicals are to be transported from SSSF to the non-DoD facility specifically for a project sponsored by another U.S. Government agency (e.g. Department of Homeland Security, Department of Justice, etc.), the agency will:

1. Obtain approval from Headquarters, Department of the Army, Deputy Chief of Staff, G-3/5/7 (Attn: DAMO-SSD), 400 Army Pentagon, Washington, DC 20310-0400.

2. Reimburse the Army for all costs associated with production, transport, and transfer of the Schedule 1 chemicals.

(2) Schedule 1 chemicals from Sources Other than SSSF.

If the Schedule 1 chemicals to be used are synthesized by the facility or obtained from sources other than SSSF for other than protective purposes, the facility will follow applicable Department of Commerce requirements.

8.3. ACQUISITION BY NON-DOD ENTITIES.

All non-DoD entities may obtain Schedule 1 chemicals from SSSF for work to be conducted at a certified non-DoD facility. They may also have work done at a DoD facility that meets the requirements of this issuance without assuming ownership or control of the DoD chemical agent. Non-DoD federal entities may obtain Schedule 1 chemicals from the SSSF for any permissible

purpose (i.e., protective or other) as defined in the CWC, in accordance with the authority of Section 1535 of Title 31, U.S.C., also known and referred to in this issuance as the “Economy Act of 1932.” Non-federal entities may only obtain Schedule 1 chemicals from the SSSF for protective purposes under the authority of Section 1034 of Public Law 110-181. Non-SSSF Schedule 1 chemicals in the possession of non-DoD entities falls under the purview of Department of Commerce.

a. Schedule 1 Chemicals Provided Under Authority of the Economy Act of 1932.

(1) Requests for Schedule 1 chemicals by non-DoD federal entities for work to be done at a certified non-DoD facility will require approval by the ASD(NCB). Submit requests to the DPM and include:

- (a) Requesting entity’s name, mailing address, and a point of contact.
- (b) Type and estimated quantity of Schedule 1 chemicals requested.
- (c) Estimated period of time Schedule 1 chemicals are to be used and proposed disposition of agent remaining at the end of the project (e.g., store for future work, transfer to another approved federal entity project, or destroy).
- (d) Description of the project for which the Schedule 1 chemicals will be used.
- (e) The funding agency and point of contact; fund citation; and a payment provision.
- (f) A statement identifying that “the [requesting entity] will reimburse the DoD for the goods and services provided, including direct costs (manufacturing and shipping of the Schedule 1 chemicals) and indirect costs (including overhead) directly benefiting the [requesting entity]”.

(2) The DPM will:

- (a) Coordinate the request with the DIAM to confirm availability of the Schedule 1 chemicals for the period requested while ensuring that future DoD needs can be accommodated within the limits imposed by the CWC.
- (b) Assess the reasonableness of the quantity and type of Schedule 1 chemicals requested for the proposed project.
- (c) If the DPM intends to recommend approval of the Schedule 1 chemical request, draft an interagency agreement for the provisioning of the Schedule 1 chemicals with the requesting non-DoD federal entity consistent with DoDI 4000.19 and the Economy Act. The agreement will address any non-DoD federal entity’s responsibilities for Schedule 1 chemical safeguarding, accountability, liability, reporting, and reimbursement. Forward the agreement with the recommendation for approval to the Assistant Secretary of Defense for Chemical and Biological Defense (ASD(NCB)), 3050 Defense Pentagon, Washington, DC 20301-3050 for final decision and signature.

(d) If the DPM intends to recommend denial of the Schedule 1 chemical request, forward the rationale for denial to the ASD(NCB) for final decision.

(3) Upon approval of the request, the non-DoD federal entity will reimburse DoD for all costs associated with production, transport, and transfer of the agent.

b. Schedule 1 Chemicals Provided Under Authority of Section 1034 of Public Law 110-181.

(1) Certified non-federal facilities are authorized to maintain stocks of Schedule 1 chemicals to be used on approved protective purposes projects for customers from the State, local, or private sectors.

(a) Certified non-federal facilities will forecast the amount of Schedule 1 chemicals required to meet mission requirements and send the agent request to the DPM.

(b) The DPM will coordinate with the DIAM to determine availability of the Schedule 1 chemicals and negotiate a provisioning agreement to address the certified non-federal facility's responsibilities for safeguarding, accountability, liability, reporting, and reimbursement of the Schedule 1 chemicals.

(2) Requests from State, local, or private entities for work to be done at a certified non-federal facility will require approval by the ASD(NCB). Submit requests to the DPM and include:

(a) Requesting entity's name, mailing address, and a point-of contact.

(b) Description of the project for which the agent will be used in sufficient detail to determine that the work is for protective purposes as defined in the CWC.

(c) Identification of any foreign nationals associated with the work to be performed.

(3) The DPM will:

(a) Coordinate the request with the DoD certified non-federal facility to confirm availability of the Schedule 1 chemicals requested.

(b) Coordinate with the Treaty Implementation Manager for review to ensure that only protective purposes work is proposed.

(c) Assess the reasonableness of the quantity and agent type requested for the intended activity.

(d) Verify licenses in accordance with Parts 730-774 of Title 15, CFR, and Parts 120-130 of Title 22, CFR, with either the Joint Program Executive Office for Chemical Biological Defense or the Defense Technology Security Agency for any foreign nationals identified in the request.

(e) Recommend approval or denial of the requested agent work, with appropriate rationale, to the ASD(NCB) for final decision.

(4) Upon ASD(NCB) approval of the request:

(a) Office of the ASD(NCB) will notify the requestor and the performing certified non-federal facility of the approval through the DPM.

(b) DPM will coordinate with the certified non-federal facility to track the status and completion of all projects using DoD Schedule 1 chemicals performed under this action.

8.4. CERTIFICATION OF NON-DOD FACILITIES.

a. Non-DoD facilities may only obtain Schedule 1 chemicals from SSSF if they have been certified by DoD for receipt of agent. The facility must have a current provisioning agreement with the DPM in place.

b. New facilities will submit their request for certification to the DPM.

c. DPM will certify the facility (as appropriate), in coordination with the ASD(NCB), based on a standards document addressing security, personnel reliability, safety, and accountability requirements applicable to non-DoD facilities. The certification standard should also address applicable DoD trade security control requirements in DoDI 2030.08. DPM will notify DAMO-SSD of approved provisioning agreements.

d. The DPM will establish an annual inspection program to ensure that certified facilities continue to meet standards established by the agreement. The inspection team will report results to the DPM who will follow up with the site to ensure corrective actions are taken appropriately, keeping the ASD(NCB) informed of unresolved issues.

8.5. ULTRA-DILUTE SOLUTIONS.

These consist of extremely dilute solutions of Schedule 1 chemicals containing no more than the concentrations and quantities of agent necessary for laboratory calibration. Concentrations at or below the exempt concentrations in Table 1. minimize the hazards associated with transfer outside DoD with reasonably limited safety and security concerns. However, some potential dermal or eye effects are still possible without proper protection.

a. Submit requests for ultra-dilute chemical solutions through the DPM for approval by the ASD(NCB) or his designee.

b. Facilities approved to receive ultra-dilute chemical solutions from DoD will assume liability, accountability, custody, and ownership upon accepting transfer of the agents. The organization will provide DoD with a list of officials and facilities authorized to accept shipment of ultra-dilute chemical solutions.

c. In consultation with both the ASD(NCB) and the DPM, and before receipt of initial shipments of ultra-dilute chemical solutions, the requesting organization will:

(1) Establish programs and standards to maintain continuous oversight of laboratories, facilities, and entities transporting, receiving, storing, using, and disposing of ultra-dilute chemical solutions.

(2) Establish and maintain safety, security (including personnel suitability), training, and accountability programs and standards covering the transport, receipt, storage, use, and disposal of ultra-dilute chemical solutions. Areas covered will include, at a minimum, safety (containment, air monitoring and ventilation, personnel protective equipment, decontamination, and medical treatment), security (physical security, access controls, personnel suitability, and export controls and foreign national considerations), accountability, emergency response, medical treatment and decontamination, event reporting, training of personnel, and facility certification and decertification.

(3) For initial shipment of ultra-dilute chemical solutions, the requesting organization will provide written certification to the DPM that the laboratory or facility meets the standards established in Paragraphs 8.5.c.(1) and (2) before the shipment is made. Subsequently, requests for re-supply of ultra-dilute chemical solutions will state that the laboratory remains certified and include a certification that the previously supplied ultra-dilute chemical solutions were properly expended and documented in the facility accountability records. Entities will notify the DPM in writing when and if a laboratory or facility loses its certification.

d. Transfer ultra-dilute chemical solutions to approved facilities utilizing the same procedures for transporting and shipping chemical agent at these concentrations to DoD facilities, in accordance with Parts 100-185 of Title 49, CFR.

e. Facilities will not transfer ultra-dilute chemical solutions to another owner without DoD approval.

f. Submit ultra-dilute facility certifications and notifications to the DPM who will provide the appropriate documentation to the ASD(NCB).

SECTION 9: SCHEDULE 1 CHEMICALS AND NTA EXEMPTION LIMITS

9.1. CHEMICAL AGENT EXEMPTION LIMITS.

a. An individual's access to quantities of DoD Schedule 1 chemicals at or below the levels in Table 2 do not require the security and personnel reliability provisions of this issuance. The facility must have procedures in place to ensure agent quantities remain at or below exempt levels, and to mitigate the safety and security risks associated with attended and unattended operations. These quantities of DoD Schedule 1 chemicals **will not** be inferred to be "safe," as inherent toxic effects are still associated with them. They will require safety procedures normally afforded to similar hazardous material. These exemptions were based on the July 3, 1980 McNamara et al. and August 7, 2019 Kellogg papers.

b. For DoD designated chemical defense training operations, DoD Schedule 1 chemical agent or NTA that has been expended by CPRP-certified agent handlers no longer requires the CPRP provisions of this issuance. The destruction of the DoD Schedule 1 chemical agent or NTA is certified by CPRP-certified agent handlers via (written) accountability documentation maintained by the facility chemical agent accountable officer.

9.2. ULTRA-DILUTE SOLUTION GUIDELINES.

These are extremely dilute solutions containing no more than the maximum concentrations in Table 1 (per primary container). Values are based on consideration of the agent drinking water standards, the severity of systemic (nerve agent), dermal and ocular effects associated with single-incident contact as described in TB MED 577/NAVMED P-5010-10/AFMAN 48-138 and U.S. Army Center for Health Promotion and Preventive Medicine Report No. 47- EM-5863-04. Hazards associated with solutions that are at or below Table 1 can be controlled with reasonable safety precautions.

Table 1. Ultra-Dilute Solution Guidelines

| Agent | Concentration |
|--------|---------------|
| G-type | 1000 µg/L |
| V-type | 100 µg/L |
| H-type | 2400 µg/L |
| L-type | 100 µg/L |

9.3. ACCOUNTABILITY OF EXEMPT CHEMICAL AGENT. Any amount of neat DoD chemical agent requires application of accountability procedures described in this issuance and any guidance provided by the DIAM. Any existing NTA exemptions are discussed in the March 18, 2020 ASD(NCB) Memorandum. DoD Schedule 1 chemical agents in solution below the quantities in Table 2 (per primary container) are not reportable to the DIAM. Site-specific accountability procedures will ensure Table 2 quantities are not exceeded during exempt operations.

Table 2. DoD Schedule 1 Chemical Agent Exemption Limits

| Chemical¹ | Maximum Quantity of Chemical Agent in Solution |
|--|---|
| G-type (GB) | 20 mg |
| V-type (VX) | 10 mg |
| H-type (HD) | 100 mg |
| L-type (L) | 50 mg |
| ¹ Schedule 1 chemical agent used in calculating limit is listed in parentheses. | |

GLOSSARY

G.1. ACRONYMS.

| ACRONYM | MEANING |
|----------------|---|
| AECS | automated entry control system |
| ASD(NCB) | Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs |
| AFMAN | Air Force manual |
| CEA | chemical exclusion area |
| CFR | Code of Federal Regulations |
| CLA | chemical limited area |
| CMA | competent medical authority |
| CO | certifying official |
| CPRP | chemical personnel reliability program |
| CRA | chemical restricted area |
| CWC | Chemical Weapons Convention |
| DASD(CBD) | Deputy Assistant Secretary of Defense for Chemical and Biological Defense |
| DIAM | DoD Inventory and Accountability Manager |
| DoDD | DoD directive |
| DoDI | DoD instruction |
| DoDM | DoD manual |
| DPM | DoD provisioning manager |
| ID | identification |
| IDS | intrusion detection system |
| NAVMED P | Navy Bureau of Medicine and Surgery publication |
| NTA | non-traditional agents |
| PIN | personal identification number |
| PSI | personnel security investigation |
| RDT&E | research, development, test and evaluation |
| REV | reviewing official |
| SSSF | single small scale facility |
| TB Med | Army Technical Bulletin Medical |
| U.S.C. | United States Code |

| | |
|----------------|----------------------------------|
| ACRONYM | MEANING |
| WHS | Washington Headquarters Services |

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

| TERM | DEFINITION |
|------------------------------------|---|
| administrative restriction. | Restriction of individuals from CPRP duties when the ability to maintain continuing evaluation is questionable. For example, the certified individual will be absent from CPRP duties for a significant period of time. Administrative restriction is not an assessment of unreliability. |
| administrative termination. | Removal of reliable individuals from the program when they are leaving the position or no longer require access to DoD chemical agents or perform CPRP duties. |
| access. | An individual will be deemed to have access to DoD chemical agents at any point in time if the individual has possession of DoD chemical agents (e.g., ability to carry, use, or manipulate). |
| CEA. | <p>The CEA for a chemical munitions area will be the outer portions of doors, walls, floors, and ceiling of a storage structure (e.g., igloo) declared under the CWC inside which access to DoD chemical agents is possible.</p> <p>The space in which the DoD chemical agent is stored (e.g., container, hood, vault) is designated as the CEA when the site-specific risk assessment at the RDT&E laboratory or training facility determines that access under the two-person rule is required.</p> |
| CLA. | An area surrounding one or more exclusion areas in a chemical munitions facility with a designated access point where access requirements and a need and authority for entry will be determined (unescorted or escorted entry), and personnel are screened in accordance with DoD Component guidance. |
| CMA. | A healthcare provider who is trained and appointed in accordance with procedures established by the DoD Component to review medical conditions and treatment to provide recommendations to the CO on an individual's suitability and reliability for personnel |

| TERM | DEFINITION |
|-------------------------------------|---|
| | reliability program duties. The CMA is a physician, nurse practitioner (who is either licensed for independent practice or supervised by a physician licensed for independent practice), or physician assistant (if supervised by a physician licensed for independent practice). |
| CO. | The person responsible for determining individual's ability to be CPRP certified and ensuring the CPRP member is continually monitored. Responsibilities include implementing, administering, and managing the CPRP, and supporting the REV and facility commander or director. Unless the CO requires access to DoD chemical agents, the CO is not required to be in the CPRP. |
| continuing evaluation. | The process by which CPRP-certified individuals are observed for compliance with reliability standards. This ongoing process and management function considers duty performance, physical and psychological fitness, on- and off-duty behavior, and reliability on a continuing basis. |
| CRA. | A storage or use room for DoD Schedule 1 chemicals and NTA that does not require access under the two-person rule. Access to a CRA is limited to authorized personnel. Personnel not in the CPRP will be escorted by a CPRP-certified individual within CRAs when agent is present. |
| denial. | An action taken based on the receipt of disqualifying information to stop the CPRP screening process for individuals being considered for CPRP certification. |
| DoD chemical agent facility. | DoD facilities that produce, store, use, destroy, or transfer DoD chemical agents. A DoD chemical agent facility is the building where DoD chemical agents are used or stored. |
| DoD chemical agents. | Term used to refer collectively to Schedule 1 chemicals in DoD possession, as listed in the CWC; NTA in DoD possession, as listed in the March 18, 2020 ASD(NCB) Memorandum; or DoD munitions with a chemical fill at the chemical weapons storage facilities and their associated chemical weapons destruction facilities as declared in accordance with the CWC. This term does not include chemical agents synthesized by a non-DoD facility or purchased by a non-DoD facility from a non-DoD source. |

| TERM | DEFINITION |
|--|---|
| DoD chemical munitions. | Term used to refer collectively to munitions that contain toxic chemicals that were intended to produce lethal or damaging effects to human beings. Excluded are munitions containing riot control agents, chemical herbicides, smoke and other obscuration materials. |
| drug or substance abuse. | The wrongful use, possession, or distribution of a controlled substance, prescription medication, over-the-counter medication, or intoxicating substance (other than alcohol). “Wrongful” means without legal justification or excuse, and includes use contrary to the directions of the manufacturer or prescribing healthcare provider, and use of any intoxicating substance not intended for human intake. |
| facility chemical agent accountability officer. | An individual designated by the facility commander or director to have authority and responsibility for DoD chemical agent inventory and accountability. |
| IDS. | A system of sensor devices which trigger an alarm when a security breach occurs, notifying the appropriate response force which has the capability to respond to the alarm and assess and confront a threat. |
| medical restriction. | Restriction of individuals from CPRP duties when performance may be impaired by a temporary medical condition (including medication for the condition) or psychological condition (such as short-term stress). Medical restriction is a precaution based on the possibility of duty impairment and not an assessment of unreliability. |
| NTA. | Defined in the March 18, 2020 ASD(NCB) Memorandum. |
| provisioning agreement. | An agreement under which a DoD organization may provide DoD Schedule 1 chemicals to other federal agencies, DoD contractors, or other non-federal entities for purposes authorized by law and regulation. It includes the purpose of the provisioning, statutory and regulatory authority for the provisioning, responsibilities of the parties, procedures, funding, and terms and conditions for the certification of the recipient organization, the transfer of the agents to the recipient organization, the use of the agents by the recipient organization, and the return of any residual agent upon completion of the authorized use. A provisioning agreement may be a separate document or its substance may be incorporated in another document such as an inter-agency agreement, a memorandum of agreement, or a contract clause. |

| TERM | DEFINITION |
|---|--|
| random drug and substance abuse testing. | A program where each member of the testing population has an equal chance of being selected. Random testing may include either testing of designated individuals occupying a specified area, element, or position, or testing of those individuals based on a neutral criterion, such as a digit of the social security number. |
| REV. | A DoD chemical agent facility official whose duties include monitoring the suitability assessment program and reviewing warranted suitability actions. |
| risk assessment. | The process of systematically identifying, assessing, and managing risks arising from operational factors and making decisions that balance risk cost with mission benefits as described in DoDI O-2000.16. The end product of the risk assessment is the identification and assessment of areas and assets that are vulnerable to the identified threat attack means or to the identified hazard. From the assessment of risk based upon the three critical components of risk management (threat assessment, criticality assessment, and vulnerability assessment), the commander must determine which assets require the most protection and where future expenditures are required to minimize risk of attack or exposure to a hazard or lessen the severity of the outcome of an attack or of a hazard. |
| suspension. | An action taken to temporarily remove an individual from the CPRP when the CO has information that could be expected to affect an individual's job performance or reliability. |
| termination (for cause). | Removal of individuals who were previously screened, determined reliable, and certified capable of performing duties involving access to DoD chemical agents from the CPRP based on receipt of disqualifying information. |
| two-person rule. | An access restriction to prevent lone access to DoD chemical agents. At least two CPRP-certified people equally qualified in the task being performed and capable of detecting unauthorized or incorrect acts are required for access. |
| visitor. | A person (e.g., regular visitor, recurrent visitor, maintenance and other non-scientific support visitor, or first responder/emergency personnel) who is not authorized unescorted access to DoD chemical agents. |

TERM

DEFINITION

vulnerability.

A situation or circumstance, which, if left unchanged, may result in the loss of or damage to the DoD chemical agents or the DoD chemical agent facility.

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- DoD Directive 5230.20, “Visits and Assignments of Foreign Nationals,” June 22, 2005
- DoD Instruction 1010.01, “Military Personnel Drug Abuse Testing Program (MPDATP),” September 13, 2012, as amended

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