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Routine Inspections under the CWC

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Chemical Weapons Convention

Order No. 115 P

This pamphlet is part of a series about the Chemical Weapons Convention and its potential security impact on DoD facilities and chemical plants. It was prepared by the Defense Treaty Inspection Readiness Program (DTIRP) to increase ***Readiness Through Awareness*** within the U.S. Government and defense contractor community. Additional copies of this pamphlet, as well as other information about arms control treaties and the application of security countermeasures, are available through the DTIRP Outreach Program.

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BACKGROUND

The Chemical Weapons Convention (CWC) is an international arms control agreement that prohibits the development, production, acquisition, stockpiling, transfer, and use of chemical weapons (CW). Unprecedented in its scope and complexity, the CWC goes further than previous arms control agreements to eliminate a weapon of mass destruction on a global basis. Indeed, it is the most intrusive and far-reaching agreement to date.

The Convention seeks not only to ban CW, but also to monitor the production, consumption, processing, import, and export of specific chemicals identified as either scheduled chemicals or unscheduled discrete organic chemicals (UDOC). Many of the scheduled chemicals are dual-use chemicals, meaning that in addition to being used as CW or precursors to CW, they have significant legitimate commercial uses. Consequently, the CWC is the first arms control agreement to impact more U.S. industrial facilities than government or military installations. The CWC subjects declared facilities (CW stockpiles, CW-related facilities, and private industry, including defense contractors) to a variety of verification measures.

The CWC established the Organization for the Prohibition of Chemical Weapons (OPCW) to implement the Convention. All States (called States Parties) belonging to this organization are obligated to accept verification measures, including initial and annual data declarations and on-site inspections. The OPCW Technical Secretariat is responsible for data monitoring as well as for conducting “routine” and challenge inspections. It dispatches international teams of inspectors to conduct these OPCW-mandated inspection activities. The inspectors on these teams are employed and tasked by the OPCW Technical Secretariat, not their countries of origin.

ROUTINE INSPECTIONS

Upon the Convention’s entry into force, each State Party was required to declare all past CW research, development, production, and current stockpiles. Furthermore, each State Party possessing CW was obligated to provide a plan for the destruction of its CW and remaining production facilities. New States Parties ratifying the Convention must meet the same obligations. Compliance with CWC implementation provisions is verified at declared CW production, storage, and destruction facilities by on-site inspection and, in some cases, by continuous monitoring.

The CWC also contains reporting and on-site inspection obligations for certain facilities engaged in activities not prohibited by the Convention. These are facilities that engage in activities involving the use of chemicals monitored under the CWC in quantities at or above CWC-specified declaration and inspection thresholds. Facilities are obligated to declare or report data about these activities and, when inspection thresholds are also met, to accept on-site inspections. These “routine” inspections at industry facilities (primarily commercial chemical plants) are designed to detect—and thereby deter—the use of declared facilities for CW production.

Facilities can determine their CWC obligations by referring to the list of scheduled chemicals in Appendix A of this pamphlet. Declaration and reporting requirements are listed in Appendix B. As an example, Schedule 1 facilities are those facilities that produce more than 100 grams of Schedule 1 chemicals per year. In addition to the scheduled chemicals, declaration and reporting requirements for producers of UDOCs and UDOCs containing phosphorus, sulfur, or fluorine (PSF) are also listed in Appendix B. If a facility’s activities meet these thresholds, it is important for facility representatives to understand the various resulting obligations.

Data Declarations and Reporting Obligations

The first phase of CWC verification measures involves data declarations. Data declarations vary significantly for each of the schedules. Declarations must include previous and anticipated annual production quantities, depending on the specific chemical. Companies should consult the Department of Commerce for their specific reporting requirements. Facility classification or type determines the type of declarations required and the number and frequency of inspections to be conducted at each site. The following table illustrates the frequency of inspection and the total number of inspections allowed annually by the Convention for each type of facility.

Inspection Frequency		
Type of Facility	Max No./Year/Facility	Max Total/Year
Schedule 1	According to risk	No limit
Schedule 2	2	No limit
Schedule 3	2	By formula; no more than 20 for the U.S.
UDOC	2	

Data declarations are used to provide a basis for global compliance assessments and to further verification activity. For sites engaged in Schedule 1, 2, 3 or UDOC activities meeting CWC declaration thresholds, specific information about relevant activities must be provided. This requires a review of facility records to determine the quantities of specific scheduled chemicals and UDOCs that must be reported. Moreover, if any of the chemical activities were in support of a CW program since January 1, 1946, those activities must be declared.

Declaration Preparation

Declaration data is submitted through the Department of Defense or the Department of Commerce to the U.S. National Authority. The CWC Implementation Act of 1998 designated the Department of State as the National Authority. The National Authority coordination staff is the point of contact between the United States and the OPCW. They are responsible for forwarding facility data declarations to the OPCW and for compiling and submitting the U.S. national data aggregates.

Inspection teams from the OPCW use the information provided in a facility's data declaration as a basis for initial and subsequent "routine" inspections. Inspection teams also use data declarations to verify a facility's level of production, consumption, processing, export, and import. Facilities meeting the declaration and reporting thresholds listed in Appendix B, must file initial and annual declarations and reports addressing their past and anticipated activities.

In addition to quantitative and other information about monitored chemical activities, declarations must include information about the declaring facility and the declared plant(s), such as name, address, geographic coordinates, point of contact, and telephone and fax numbers. Declarations also allow facilities to define the area to be declared and inspected. The portion of the plant site constituting the declared plant should be the relatively self-contained area or structure where the processing or production units, and associated infrastructure, are located. The declared plant could include:

1. A small administrative section;
2. Storage and handling areas for feedstock and products;
3. Effluent and waste handling and treatment areas; and
4. A control or analytical laboratory.

Special consideration to this part of the declaration is important because the inspection team will have the right to unimpeded access within the declared plant.

Facility Concerns

Once facility or plant site representatives have identified the chemical information requiring declaration, they should examine potential security concerns. Almost every declared facility has national security, proprietary, or other sensitive information requiring protection during on-site inspection. It is important to determine whether the declaration contains any sensitive information. Security classification guidance and coordination with the facility's government sponsor can adequately address concerns about protecting national security information.

Other security concerns may be addressed in a number of other ways. In some cases, sensitive information may be removed from the declaration if removing it does not compromise U.S. compliance with the CWC. In other cases, facility representatives may exercise their right to designate information as "sensitive" in their declaration. All OPCW employees, including the inspectors, are obligated to safeguard this information. However, facility representatives need not entirely entrust proprietary and other sensitive information to the OPCW for protection. Once facility representatives have determined what information about their chemical processes must be included in the data declaration and what information needs to be indicated as "sensitive," they should direct their attention to the physical area identified in the declaration.

For some types of declarations, the structure or building numbers of the declared chemical processing or production units, as well as the associated infrastructure, must be identified and provided. A major feature of on-site inspections is the intrusive presence of non-U.S. citizens equipped with special skills, expertise, and inspection equipment. Thus, facility representatives will want to review these areas frequently and be sure they are aware of all of the activities that are conducted in each location.

Proprietary processes or activities that facility representatives do not want to share with non-authorized personnel may be occurring in inspectable areas. For this reason, facility representatives will want to determine how to effectively sanitize, shroud, relocate, or shut down certain activities during an inspection, and how to do this in the most cost-effective manner possible while still demonstrating compliance.

Site Diagrams

Site diagrams help to convey useful information about the inspectable area. Since data declarations provide a narrative description of this area, it may be advantageous for facility representatives to include a site diagram identifying the area and its buildings, thus providing a clear, unambiguous facility view of inspection parameters—as long as there are no sensitivities involved. Optional comments or information, which may include a site diagram, may also be provided in the facility's data declaration if they are useful for conveying specific information. Although site diagrams may or may not be required for data declarations—it depends on the type of facility declared—a site diagram is almost always required as part of the facility's pre-inspection briefing.

Site diagrams must be carefully drawn to include the area described in the facility's declaration. The objective is to ensure that all of the inspectors' questions can be answered by providing access within the boundaries depicted on the diagram. Just as security concerns were addressed regarding the inspectable area, the same attention must be given to areas outside the boundary for which explanations, or even access, on a managed basis, may have to be provided. During initial inspections, the inspection team attempts to determine levels of production. At Schedule 2 plant sites, the inspection team also attempts to determine levels of processing and consumption.

Questions may arise about structures and areas adjacent to the declared area that are not related to the declared process. If there is an ambiguity concerning such adjacent features, inspector access might have to be granted in accordance with an obligation to provide clarification. Illustrations depicting the fact that areas and structures outside the diagram are not related to declared activities, may be useful and even necessary. Generally, inspectors' questions concerning areas outside the diagram will be satisfied during initial inspections.

Inspections

After completing initial data declarations, some facilities undergo an initial inspection to assess the risk they pose to the object and purpose of the Convention. This first inspection will also determine the frequency and, in some cases, the intensity, duration, and mode of future inspections.

The on-site inspection verification provisions of the CWC give the inspection team the right to access buildings, conduct personnel interviews, and inspect certain records and documents. The inspection team also has the right to have photographs and samples taken, and to conduct on-site analysis of samples. In addition, inspectors may use non-destructive evaluation equipment, when appropriate, during some inspection activities. These inspection team rights suggest the broad security challenge posed by CWC inspections.

The task for facility representatives is to assess potential inspector activities at their facility and prepare to show the inspection team what they need to see while, at the same time, employing appropriate and cost-effective security countermeasures. A well-prepared facility can limit the ability of the inspection team to collect sensitive information. This is accomplished by having a good understanding of potential data collection techniques and the effective use of operations security (OPSEC) assessment procedures, security countermeasures, and well-trained personnel and escorts. It is essential to establish and follow a concrete plan of action.

Preparation

First, facility representatives should plan how they will host an inspection and what they are obligated to do to demonstrate U.S. compliance with the CWC. As a host, facility representatives are obligated to provide support to the inspection process. This includes providing secure workspaces to the inspection team and to the national escorts. In addition, the inspection team will need secure storage space for their equipment, access to telephone and fax lines for communications with OPCW headquarters, and limited administrative and logistical support.

The inspection team will probably need transportation while on site. For this purpose, vehicles may either be provided by the inspected facility or by the national escorts. Facility representatives should be prepared to provide the necessary drivers and site escorts. Finally, although the inspection team may be provided lodging and most of their meals off site, it may be mutually advantageous to have the team take their midday meal on site. Once facility representatives have created a positive atmosphere for the inspection, they can turn their attention to demonstrating compliance.

It is important to understand the aims and objectives of the inspection team in order to direct effective preparation, protective, and compliance activities. During initial inspections of a declared facility, the inspection team's task is to:

- Assess the risk to the object and purpose of the Convention posed by the facility;
- Confirm the absence of any undeclared Schedule 1 chemical-related activities;
- Confirm the accuracy of the data declaration;
- Confirm the non-diversion of any scheduled chemicals and UDOCs; and
- Negotiate a draft facility agreement[1] for subsequent inspections.

[1] This requirement only applies to Schedule 1 and 2 facilities.

Because the initial inspection usually has implications for subsequent inspections, how well the site is prepared and presented to the inspection team is vitally important. The objective factors used by the inspection team to assess potential risk are the relevant chemicals, the characteristics of the physical site, and the nature of the activities conducted there.

Pre-Inspection Briefing

The CWC *requires* declared facilities to provide certain information to the inspection team in a pre-inspection briefing prior to all inspections. This briefing should parallel and reinforce the site's data declaration and permit the inspectors to visualize what they will be inspecting. This briefing is also the facility's best opportunity to establish a positive cooperative tone for the inspection, provide information that will direct the activities of the inspection team, and influence a favorable outcome.

The pre-inspection briefing may last no longer than 3 hours and *must* include a description of the activities conducted at the facility, safety measures, and the administrative and logistical arrangements necessary for the inspection. Site or facility maps and other supporting documentation may facilitate the presentation of this information. A site diagram depicting the area described in the declaration is essential to define the area and to keep the inspection team focused. If there is any structure or process that could potentially be perceived as being associated with a monitored or prohibited activity, a proactive explanation at this point may be to the facility's advantage.

Facility Agreements

Draft facility agreements are based on a model agreement and are negotiated during initial inspections for Schedule 1 and 2 facilities only. Draft facility agreements consider any facility concerns regarding the presence of inspectors and the use of inspection equipment during on-site inspection activities. The draft agreement will integrate necessary protective measures and afford the inspection team access to the information necessary to accomplish their mandate. In this way the facility agreement serves both the inspection team, by serving as a workable methodology, and the facility, by providing a means to demonstrate compliance.

A completed facility agreement is a formal arrangement between the United States and the OPCW regarding a specific facility subject to on-site verification. Thus, it is a mutually agreed framework for subsequent inspections, defining inspection and access procedures on a facility-by-facility basis. It also provides details pertaining to how the facility will support the inspection. This arrangement is designed to facilitate the conduct of inspections in accordance with the rights and obligations of the United States and the inspection team.

Although facility agreements vary by type of facility, they generally consist of a basic document and a number of attachments. Typically, they provide for:

- Administrative and logistical activities associated with the inspection;
- Health and safety requirements and procedures;
- Specific arrangements to protect sensitive information;
- Media contacts;
- Inspection equipment;
- Basic information about the facility and arrangements for a site tour;
- Conduct of the inspection;
- Records to be made available;
- Sampling and analysis procedures; and
- Any services to be provided to the inspection team.

Adherence to this agreement during subsequent inspections will serve to protect the facility's security interests.

CONCLUSION

To determine potential facility concerns arising from routine CWC inspections, it is important to examine items to be provided to the inspection team, such as the data declaration and site diagram. Becoming familiar with the information provided to the inspection team will allow facility representatives to better prepare their facility for on-site inspections—from developing a facility agreement to a pre-inspection briefing.

"Routine" inspections are not proforma events. Inspectors may have concerns or require clarifications that require precise facility planning and preparation. However, the goal for facility representatives is always to comply with the Convention while protecting sensitive information.

To obtain additional information about the CWC, other arms control treaties potentially affecting your facility, and the application of security countermeasures, contact the DTIRP Outreach Program coordinator at 1-800-419-2899, your local Defense Security Service (DSS) Industrial Security Representative, or your Government sponsor. Also see the list of DTIRP products in the Related Materials section at the end of this pamphlet.

APPENDIX A: LIST OF SCHEDULED CHEMICALS

SCHEDULE 1 CHEMICALS AND PRECURSORS	
A. Toxic Chemicals:	**CAS Number***
1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
e.g. Sarin: O-Isopropyl methylphosphonofluoridate	107-44-8
e.g. Soman: O-Pinacolyl methylphosphonofluoridate	96-64-0
2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	77-81-6
3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	50782-69-9
4) Sulfur Mustards:	
2-Chloroethylchloromethylsulfide	2625-76-5
Mustard gas: Bis(2-chloroethyl)sulfide	505-60-2
Bis(2-chlorooethylthio)methane	63869-13-6
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	3563-36-8
1,3-Bis(2-chloroethylthio)-n-propane	63905-10-2
1,4-Bis(2-chloroethylthio)-n-butane	142868-93-7
1,5-Bis(2-chloroethylthio)-n-pentane	142868-94-8
Bis(2-chloroethylthiomethyl)ether	63918-90-1
O-Mustard: Bis(2-chloroethylthioethyl)ether	63918-89-8
5) Lewisites:	
Lewisite 1: 2-Chlorovinyldichloroarsine	541-25-3
Lewisite 2: Bis(2-chlorovinyl)chloroarsine	40334-69-8
Lewisite 3: Tris(2-chlorovinyl)arsine	40334-70-1
6) Nitrogen Mustards:	
HN 1: Bis(2-chloroethyl)ethylamine	538-07-8
HN 2: Bis(2-chloroethyl)methylamine	51-75-2
HN 3: Tris(2-chloroethyl)amine	555-77-1
7) Saxitoxin	35523-89-8
8) Ricin	9009-86-3
B. Precursors:	
9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
e.g. DF: Methylphosphonyldifluoride	676-99-3
10) O-Alkyl(H or $\leq C_{10}$, incl. cycloalkyl) O-2-Dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
e.g. QL: O-Ethy O-2-diisopropylaminoethyl methylphosphonite	57856-11-8
11) Chlorosarin: O-Isopropyl methylphosphonochloridate	1445-76-7
12) Chlorosoman: O-Pinacolyl methylphosphonochloridate	7040-57-5

* Chemical Abstracts Service

SCHEDULE 2 CHEMICALS AND PRECURSORS	
A. Toxic Chemicals:	**CAS Number***
1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	78-53-5
2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	382-21-8
3) BZ: 3-Quinuclidinyl benzilate (*)	6581-06-2
B. Precursors:	
4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenylethylphosphono-thiolothionate	 676-97-1 756-79-6 944-22-9
5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides	
6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
7) Arsenic trichloride	7784-34-1
8) 2,2-Diphenyl-2-hydroxyacetic acid	76-93-7
9) Quinuclidine-3-ol	1619-34-7
10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts	 108-01-0 100-37-8
12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide	111-48-8
14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol	464-07-3

SCHEDULE 3 CHEMICALS AND PRECURSORS	
A. Toxic Chemicals:	**CAS Number**
1) Phosgene: Carbonyl dichloride	75-44-5
2) Cyanogen chloride	506-77-4
3) Hydrogen cyanide	74-90-8
4) Chloropicrin: Trichloronitromethane	76-06-2
B. Precursors:	
5) Phosphorus oxychloride	10025-87-3
6) Phosphorus trichloride	7719-12-2
7) Phosphorus pentachloride	10026-13-8
8) Trimethyl phosphite	121-45-9
9) Triethyl phosphite	122-52-1
10) Dimethyl phosphite	868-85-9
11) Diethyl phosphite	762-04-9
12) Sulfur monochloride	10025-67-9
13) Sulfur dichloride	10545-99-0
14) Thionyl chloride	7719-09-7
15) Ethyldiethanolamine	139-87-7
16) Methyldiethanolamine	105-59-9
17) Triethanolamine	102-71-6

APPENDIX B: REPORTING AND INSPECTION THRESHOLDS[1]

Facility Types	Activities Involving CWC-Monitored Chemicals					
	Production	Consumption	Processing	Import/Export[2]	Domestic Transfer	Storage
Schedule 1	Declaration and Inspection threshold: > 100 g	Included in Declaration	none	Included in Declaration Reportable by other entities	Included in Declaration	Included in Declaration
Schedule 2	Declaration thresholds: BZ > 1 kg PFIB and Amiton > 100 kg Precursors > 1 metric ton Inspection thresholds: BZ > 10 kg PFIB and Amiton > 1 metric ton Precursors > 10 metric tons			Included in Declaration Reportable by other entities (e.g., trading company)[3]	Included in Declaration	none
Schedule 3	Declaration threshold: > 30 metric tons Inspection threshold: > 200 metric tons	none	none	Included in Declaration Reportable by other entities (e.g., trading company)[4]	none	none
UDOC	Declaration and inspection threshold: > 200 metric tons (aggregate UDOCs)	none	none	none	none	none
PSF	Declaration threshold: > 30 metric tons Inspection threshold: > 200 metric tons	none	none	none	none	none

[1] Declarations consist of initial declarations of past activity and annual declarations of past and anticipated activity.
[2] Schedule 1: exports to States Parties only, with 45 days advance notice to Department of Commerce.
Schedule 2: exports.
Schedule 3: exports to States Parties and non-Parties that file certifications of non-prohibited use.
UDOCs, including PSFs: no restrictions.
[3] Export of a Schedule 2 chemical in quantities equal to the specific declaration thresholds is reportable.
[4] Export of a Schedule 3 chemical in quantities > 30 metric tons.

RELATED MATERIALS

101B Challenge Inspections under the Chemical Weapons Convention
Bulletin

102P Chemical Weapons Convention—The Impact
Pamphlet

104V Chemical Weapons Convention—The Impact
Video

105B The Chemical Weapons Convention
A Quick Reference Guide
Bulletin

107V Managed Access under the Chemical Weapons Convention
Video

108P Chemical Weapons Convention Challenge Inspections:
Questions Facing the U.S. Defense Industry
Pamphlet

112P Managed Access under the Chemical Weapons Convention
Pamphlet

114P Features of Chemical Facilities
Pamphlet

117P Guide for Challenge Inspections under the
Chemical Weapons Convention
Pamphlet

118P Guide for Initial and Routine Inspections under the
Chemical Weapons Convention
Pamphlet (pocket size)

119P CWC Challenge Inspection Planning Considerations
Pamphlet

122P Guide to Managed Access under the Chemical Weapons Convention
Pamphlet (pocket size)

123A Development of a Chemical Weapons Convention Pre-Inspection Briefing
Article

124A Site Preparation for Inspections under the Chemical Weapons Convention
Article

125P CWC Inspection Preparation Guide
Pamphlet

127C Chemical Weapons Agreements Information
CD-ROM

129P Guide to Scheduled Chemicals
Pamphlet

130B CWC Initial Inspections—Lessons Learned
Bulletin

131P Rights & Obligations of the Inspection Team & the Inspected State Party under the Chemical Weapons Convention
Pamphlet

132P Quick Reference Guide to Chemical Equipment
Pamphlet

133B Role of the Requesting State Party Observer in CWC Challenge Inspections
Bulletin

152P CWC Inspectors' Privileges and Immunities
Pamphlet

407C Arms Control Treaties Information
CD-ROM

408P Arms Control Agreements Synopses
Pamphlet

410P Quick Reference Guide to Arms Control Inspection Timelines
Pamphlet

413A Arms Control Developments: Weapons of Mass Destruction
Article

906B Transparency During Arms Control Inspections
Bulletin

907P DTIRP Arms Control Outreach Catalog
Pamphlet

908V Facility Protection Through Shrouding
Video

930C The Arms Control OPSEC Process
Automated CD-ROM

936V Verification Provisions—Point and Counterpoint
Video

942C DTIRP Outreach Products on CD
CD-ROM

950V The Technical Equipment Inspection (TEI) Process
Video

954T Why TEI?
Trifold Brochure

NOTES