

Order Number 123A

## DEVELOPING A CWC PRE-INSPECTION BRIEFING

This article provides information and suggestions on how to prepare and deliver a pre-inspection briefing (PIB) in accordance with the Chemical Weapons Convention (CWC). The PIB is unique among inspection tasks in that it is the only task the Convention specifically levies on facility representatives.

### Overview

International inspection teams employed by the Technical Secretariat (TS) of the Organization for the Prohibition of Chemical Weapons (OPCW) conduct all CWC inspections. The PIB is presented immediately upon the arrival of an inspection team at or in the vicinity of the facility and may last no longer than 3 hours. The purpose of this briefing is to provide general information similar to that provided to any visitor, and to facilitate the inspection team's development of its inspection plan. More important, the PIB also affords the facility an excellent opportunity to proactively guide inspection activities toward the most advantageous outcome for the facility and the United States. Per the Convention, the briefing should describe the facility's activities and safety procedures, as well as the administrative and logistical arrangements for the inspection.

The PIB sets an overall tone that can influence the entire inspection process. This briefing can serve to convey transparency or ambiguity. It can create an atmosphere of credibility and cooperation, or one of distrust and contention. In sum, it can produce a positive first impression that can sustain an inspection through its ups and downs, or it can create a negative impression that creates a burden that is difficult to overcome.

Pre-inspection briefings are especially critical in two cases: initial inspections at facilities subject to recurring inspections, and challenge inspections. During initial inspections, inspection teams attempt to make judgments about the relative risks facilities pose to the overall aims of the



*A "facility representative" delivers a pre-inspection safety briefing during a mock CWC inspection.*

Convention. These judgments directly affect the frequency, duration, and sometimes, the intensity of subsequent inspections. In addition, during an initial inspection, the United States Host Team negotiates a draft facility agreement, the purpose of which is to set certain parameters on future inspection activity. Therefore, the ability of facility representatives to effectively present information, in the PIB, that supports the accuracy of their data declarations and precludes an ambiguous interpretation of facility characteristics, is key.

Challenge inspections are conducted at the request of a State Party for the purpose of establishing facts and attempting to clarify a possible non-compliance concern involving another State Party. Because the inspection task is one of fact-finding and investigation rather than one of confirmation or verification of declaration data—as in initial and routine inspections—more information is required in a PIB for a challenge inspection. In addition, CWC provisions require inspection teams to assess the level of cooperation provided by the inspected State Party during a challenge inspection. The PIB can and should be a key element in demonstrating cooperation by the United States.

For challenge inspections, the Convention also requires facility representatives to provide site maps or diagrams showing all structures and geographic features on the site. It also requires the facility to brief the inspection team on the availability of facility personnel and records. In

addition, the Convention provides facility representatives with the option of indicating to the inspection team any equipment, documentation, or areas they consider sensitive and not related to the purpose of the inspection.

### **Declared Department of Defense (DoD) Facilities**

In the years since the Convention's entry into force in 1997, the DoD's CW and Schedule 1 facilities have hosted scores of inspections. Consequently, OPCW TS inspection teams are very familiar with these facilities. Each facility has a well-honed PIB that serves essentially as a forum to update the status of the physical site and any activities that may have taken place since the last inspection.

Examples of activities expected to be addressed in the PIB include the reconfiguration and movement of CW to adjacent destruction facilities and the CWC-monitored destruction of specialized equipment and structures at CW production facilities. However, the PIB may also include contingency measures such as the re-storage of certain components of the CW stockpile for purposes of enhanced security. The important point is that all changes must be captured and duly noted in the PIB.

### **Industry Facilities**

The Department of Commerce (DOC) is the lead agency for CWC implementation involving industry facilities in the United States. Since 2000, when they became subject to CWC inspections, Schedule 1 and 2 facilities have undergone initial and, in some cases, subsequent inspections. These facilities have benefited from site assistance visits and the early arrival of advance teams soon after inspection notification. As with DoD facilities, the primary goal of the PIB in these circumstances is to update the status of the facility since the last inspection. However, unlike CW facilities, new facilities can and do become inspectable in a dynamic industry environment.

In addition, several hundred Schedule 3 and unscheduled discrete organic chemical facilities are subject to inspection. These inspections are

infrequent and difficult to predict. Fortunately, these types of inspections provide for a substantial advance notification period, during which an advance team can assist facility staff in drafting a PIB along with all the other inspection preparation tasks.

The Department of Commerce has provided further guidance on the content of the PIB. Its Bureau of Industry and Security CWC Regulations state the PIB will address:

- *Facility health and safety issues and requirements, and associated alarm systems*
- *Declared facility activities, business and manufacturing operations*
- *Physical layout*
- *Delimitation of declared facility*
- *Scheduled chemicals on the facility (declared and undeclared)*
- *Block flow diagram or simplified process flow diagram*
- *Plants and units specific to declared operations*
- *Administrative and logistic information*
- *Data declaration updates/revisions*

The CWC Regulations further state that a PIB may also address, among other things:

- *Introduction of key facility personnel*
- *Management, organization and history*
- *Confidential business information concerns*
- *Types and location of records/documents*
- *Data declaration updates/revisions*
- *Draft facility agreement, if applicable*
- *Proposed inspection plan*

When preparing the PIB with the assistance of an advance team, facility representatives contribute critical knowledge of facility operations and procedures, and particularly of confidential

business information and other sensitivities needing protection. The key facility players necessary for the final development of the PIB usually include the designated inspection manager, program and process managers, and security and safety managers. In the event of a challenge inspection at an industry facility, a greatly expedited and more robust advance team effort would be forthcoming.

## **Undeclared DoD Facilities**

Challenge inspections are conducted on very short notice. Facilities must be prepared to begin certain inspection related activities—such as site self-monitoring—in as little as 24 hours following notification, and may be required to provide a PIB in less than 48 hours following notification.

Each of the military Services has produced and distributed comprehensive written procedures to guide the work of facility representatives in preparation for hosting a CWC challenge inspection. The Services have also trained assistance teams that will arrive on site as soon as possible after notification. In addition, the DTIRP and other DoD organizations will provide assistance personnel at specific DoD installations. However, because of the short notification period, facilities must be able to apply guidance quickly and work in the absence of assistance teams until they arrive.

## **Suggestions**

Based on CWC requirements and the experience gained in the course of implementing the Convention, as well as a variety of other arms control treaties and agreements, the following suggestions are offered to aid facility preparation of a PIB.

Care should be taken in choosing a location to present the PIB. The location selected may be either on- or off-site, depending on the size, locale, and nature of the inspection site. However, for a challenge inspection, the inspection team will not be allowed to cross the perimeter into the inspection area until the actual commencement of inspection activities. The venue should be large enough to hold all personnel involved in the

inspection process, but not one that unduly interferes with facility operations.

An integral part of developing and presenting a successful PIB is conducting one or more rehearsals of the briefing to fine-tune its contents. The additional practice will also enable speakers to deliver the information in a tone and manner that enhances credibility and allows for troubleshooting equipment or any other technical glitches that may interfere with a successful presentation. The advance team and facility staff involved in the management and execution of the inspection should attend at least one PIB rehearsal.

The aforementioned personnel, the host team, national escorts, inspection management staff, and site escorts (if possible) should attend the actual PIB presentation. A senior facility representative should present the opening remarks and begin by introducing key facility staff, as well as the U.S. and facility escorts, to the inspection team, before turning the briefing over to one or more knowledgeable speaker(s). The aim is to set a positive tone and create a cooperative atmosphere.

The facility overview should describe the physical layout, organization, and general activities and operations that are ongoing at the facility. This includes working hours—for offices, as well as for plants and any other operational areas. Any information pertaining to CWC-monitored activities on site and their current status should be included. If the briefing is being provided in response to a challenge inspection, the overview should include a review of site self-monitoring conducted.

As early as possible in a challenge inspection PIB, the facility's response to the non-compliance concern should be presented clearly and unambiguously. The briefing should identify any on-site information relating directly to the possible non-compliance concern and/or the inspection mandate. This response should be reinforced throughout the briefing. Site characteristics that refute or are incompatible with the requesting State Parties alleged concern should be noted and suggested for inclusion in the inspection plan.

A site diagram and related information about the facility that will be provided to the inspection team should be addressed during this portion of the briefing. The site diagram should indicate facility structures, buildings, building numbers, and geographical features. In addition, facility representatives should consider providing a list of building functions, in conjunction with the site diagram, to help the inspectors narrow the scope of inspection activity. Of course, the decision to do so will be made only in the absence of sensitive implications. In the case of a challenge inspection, the site diagram should also include the alternative or final perimeter, if already determined, as well as the basis for negotiations concerning final perimeter access and the inspection team's proposed inspection plan.

Facility representatives should also identify any operational constraints or restrictions to inspection activities. These might include on-site operations where inspector access will be limited, adverse weather or other significant events, and any unique considerations (e.g., vehicle limits, building occupancy limits, etc.). Any constraints on inspection team activities provide a good starting point for introducing facility safety and security considerations.

The safety briefing should focus on the basic procedures to be followed during the inspection and address any on-site precautions or specific hazards that could impact inspection activities. This briefing should also provide specific safety information on the use of inspection team equipment. Safety procedures include emergency evacuation procedures, emergency medical facilities on site, and the location of the nearest hospital. The briefer should also address all relevant security procedures, such as badging requirements, perimeter activities, or other facility and local security issues. In the case of a challenge inspection, the health and safety briefing may be provided first, to allow a portion of the inspection team to begin exit monitoring as soon as possible.

Facility representatives are required to brief the inspection team on administrative and logistical arrangements necessary for the inspection. Information should include: inspection team work areas; equipment storage areas; designated areas for meals and breaks (including smoking

areas); the types of administrative and logistical support available, such as copy machines, fax machines, communications equipment, and transportation arrangements.

Facility representatives should address issues regarding the entry of buildings during facility operations. Because the inspectors are required to inspect the facility in the least intrusive manner possible, facility representatives should consider all of the operations and sensitivities affected by the inspection and proactively recommend an inspection plan that minimizes inconvenience to the facility.

By putting the inspection team in the position of responding to the facility's proposals the Host Team can better manage the development of the plan. For example, if facility representatives know that inspector access to a particular building with an ongoing chemical process might permit inspectors to observe and gather national security, proprietary, or other sensitive information, facility representatives may suggest that inspectors visit this building after the process has been completed.

A question and answer period is the final element of a PIB. It gives facility representatives the opportunity to address specific questions or concerns the inspection team may have regarding the information presented during the briefing. These questions will help to clarify the information provided and will guide the inspection team's development of the inspection plan—the next task in the inspection process.

### **Additional Information**

For additional information and guidance on preliminary planning for CWC challenge or routine inspections, contact your Service headquarters or the DOC Bureau of Industry and Security, Treaty Compliance Division at 703-605-4400 or <http://www.cwc.gov>.

Additional information about the CWC and the application of security countermeasures can be obtained by contacting the DTIRP Outreach Program coordinator at 1-800-419-2899, <http://dtirp.dtra.mil>. You may also contact your local Defense Security Service (DSS) Industrial Security representative or Government sponsor.