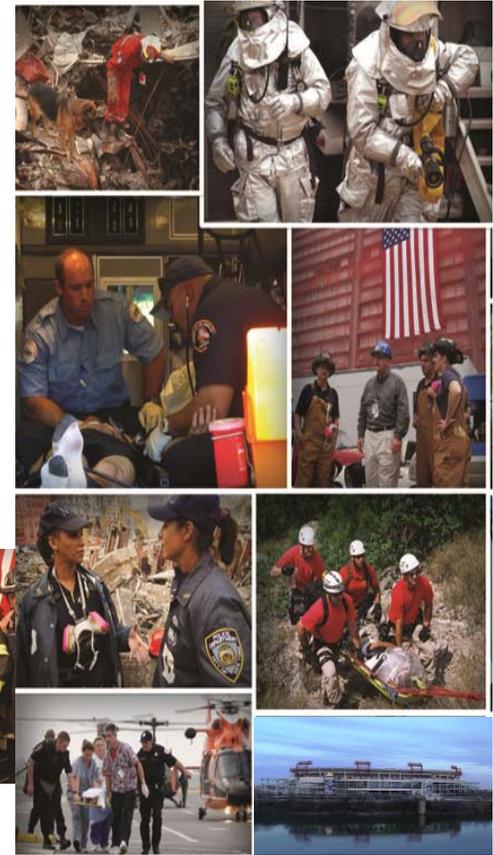


# Frequently Asked Questions

## SAFETY Act Webinar

26 JUNE 2014



Bruce Davidson

Director

Office of SAFETY Act Implementation

Science and Technology Directorate



# Homeland Security

Science and Technology





Homeland  
Security

Science and Technology

# Questions...Questions...Questions





# What is the SAFETY Act?

- Congressionally enacted as part of the Homeland Security Act of 2002
- Provides legal liability protections for providers of qualified anti-terrorism technologies (QATTs) that could save lives in the event of a terrorist attack
- Protections apply **only** to claims arising out of, relating to, or resulting from an act of terrorism where QATTs have been deployed

*What is the*  
**SAFETY Act?**

The SAFETY Act provides important legal liability protections for providers of Qualified Anti-Terrorism Technologies - whether they are products or services. The goal of the SAFETY Act is to encourage the development and deployment of new and innovative anti-terrorism products and services by providing liability protections.

For more details, see the [SAFETY Act Final Rule](#).

**The SAFETY Act** **Benefits to Your Company**

*Encouraging the DEVELOPMENT and DEPLOYMENT of ANTI-TERRORISM TECHNOLOGIES*



# What protections are available?

**Liability cap**

**Exclusive action in federal court**

**No joint and several liability for non-economic damages**

**No punitive damages or prejudgment interest**



**Limitations on the use and deployment**

**Limited term**

**Liability protections associated apply only to acts that occur during the term**

**All benefits of designation, plus...**

**government contractor defense**

**Approved products list for homeland security**



# How can I use the SAFETY Act marks?



Once you sign a SAFETY Act Usage agreement, you can display the marks in connection with any materials, marketing, or any other discussion of the technology as SAFETY Act Designated and SAFETY Act Certified.

Usage Agreement terminates on the “Designation Termination Date” (as defined in the related designation), or may be terminated earlier upon the written notice by the Department.



## How many technologies are protected?

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- Certification: 245
- Designation: 364
- Developmental Testing and Evaluation Designations: 63
- **Total: 672**





# What types of technologies are applicable?

Any qualifying product, equipment, service (including support services), device, or technology (including information technology) designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause.





# Can small businesses apply?

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In FY 2013, 60 technologies were approved. Among those 22 (37%) were from small businesses.

Examples below:



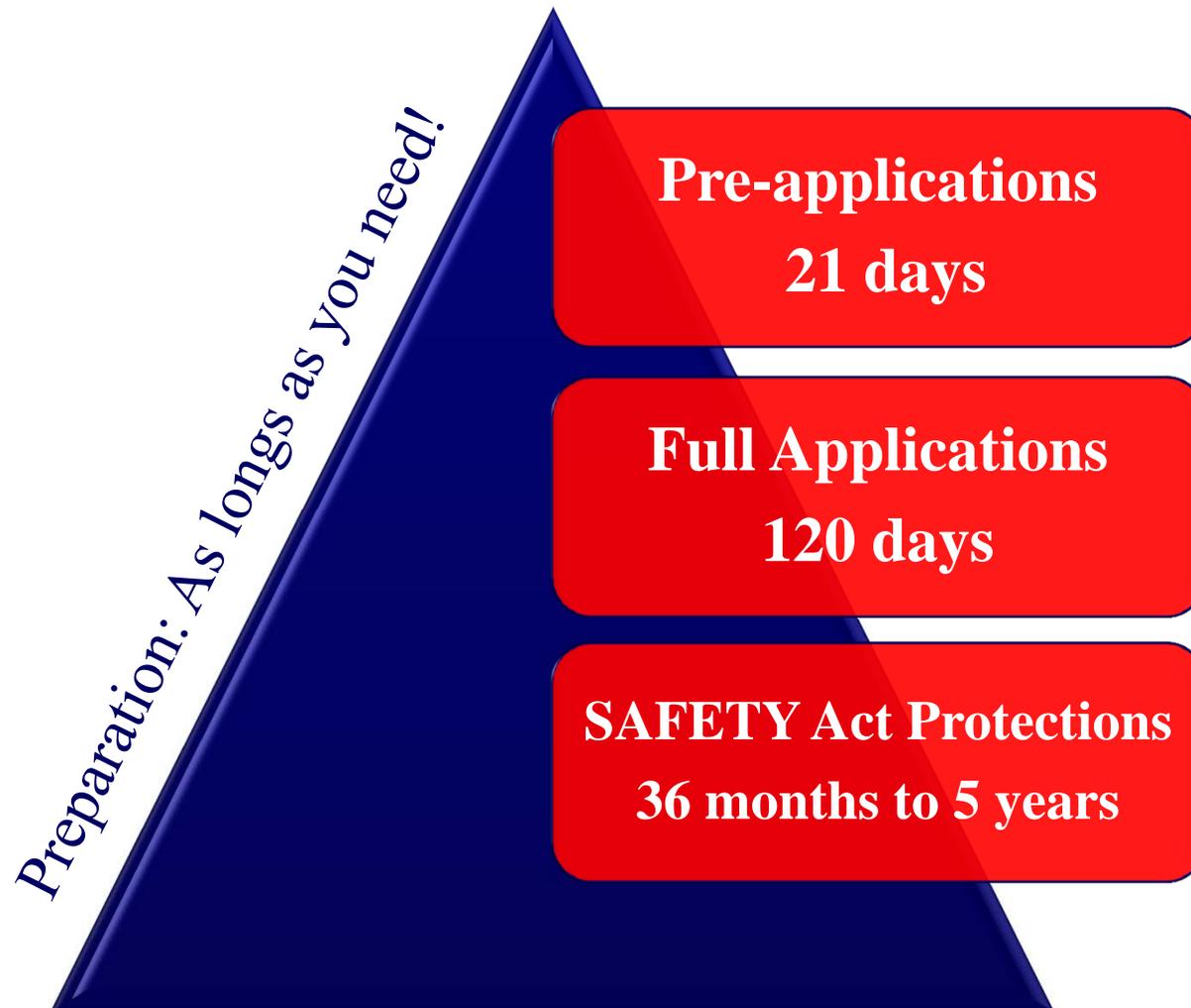
CNIguard, LLC provides the CNI2000W and the CNI2000WL Intruder Detection System. The system can integrate with existing SCADA (Supervisory, Control, and Data Acquisition) infrastructures and signal alarm conditions independently using SMS text messaging via cellular networks. This designation will expire on January 31, 2018.



SafePlans, LLC provides the Emergency Response Information Portal ("ERIP"), a secure web-based system that improves preparedness by integrating critical incident planning, mapping, and training (the "technology"). The technology stores the customized National Incident Management System ("NIMS") compliant, all-hazards emergency plans generated by the customer from the templates. This designation will expire on January 31, 2018.



# What is the SAFETY Act timeline?



There is no application fee associated with filing an application.



# Where do I start?

File a pre-application and call us



Make a list of all the materials you have and pick the correct application type



Organize your material, fully answer the questions in the application, and upload it.



Write a technology description



Call us with questions, concerns, etc.



Submit your application (but don't hesitate to call us first!)



# Wait, what is a Technology Description?

## Technology = What You Provide

- It does not have to be revenue earning
- Keep it simple
- Focus on the anti-terrorism aspects

## Submittal Tips

- Be clear and concise
- Include all elements



Yes! You can modify your technology description if changes are made outside the scope of a designation/certification. Check out “Notice of Modification.”



## What do you mean by...

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- **Sellers:** Parties covered under the SAFETY Act; can include any person, firm, or other entity that sells or provides a QATT to customer(s) and to whom a designation has been issued.  
Note: the insurance coverage follows the seller!
- **ATTDetails/ProposedRenewal:** These documents will contain your narrative responses to the application questions that don't have web forms. The name is dependent on the type of application you are filing. They must be given this name to upload and should be in PDF or MSWord format.
- **Application Kit:** Provides instructions and the requisite forms to file a SAFETY Act application with the DHS.
- **Exhibit A:** provides a technology description and only that technology is legally protected under the SAFETY Act.





# How do I organize my application?



- Answer every question, including ones from previous requests or letters
- For long submissions, using section headers helps
- Provide a list of attachments, number your attachments, and reference the attachments by name in your ATTDDetails
- Submitting files in searchable PDF formats helps us locate information quickly

OSAI can review a draft before submission. Please contact us via the help desk if you would like assistance.



# Is my information protected?

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The SAFETY Act Web site is certified and accredited by the DHS Office of the Chief Information Officer indicating compliance with security protocols/requirements.

All users sign a conflict of interest/non-disclosure agreement statements for each application.





# How much information is needed?

We ask you to submit all related information to demonstrate the development and effectiveness of your technology along with the insurance/financial information requested in the application kit.

## Define

Start with Item D.9 and your technology description.

## Discuss

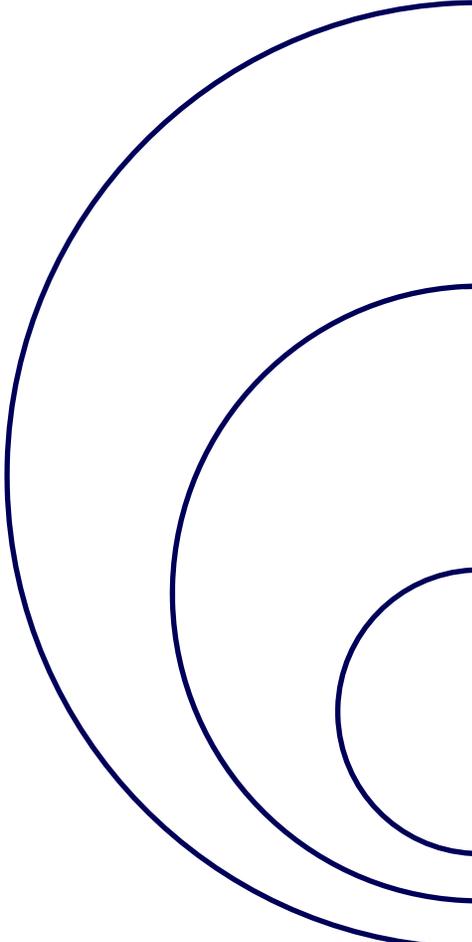
Address people, policy, procedure, and performance. Provide points of contact and let them know that we will call them!

## Document

Providing support materials, such as policy documents, training materials, testimonials, etc.

Unfortunately, OSAI cannot receive prototypes or samples of your technology.

# What types of data should I submit?



<b>Effectiveness</b>	<ul style="list-style-type: none"><li>• Test events</li><li>• Field performance</li><li>• Table tops/Exercises</li><li>• Response to events</li></ul>
<b>Capability</b>	<ul style="list-style-type: none"><li>• How does it work?</li><li>• Policies, procedures, manuals, internal tests</li><li>• Training</li></ul>
<b>Development</b>	<ul style="list-style-type: none"><li>• What is it?</li><li>• Why?</li><li>• Who was the designer? Who supports it? What are their qualifications?</li></ul>

Coordinating the transfer of data from third-parties in advance of your application is essential to maintain the evaluation timeline. To support transfer, provide current POC information. Make sure POCs know we will contact them to arrange the transfer and/or review of this information.



## What do you mean by....

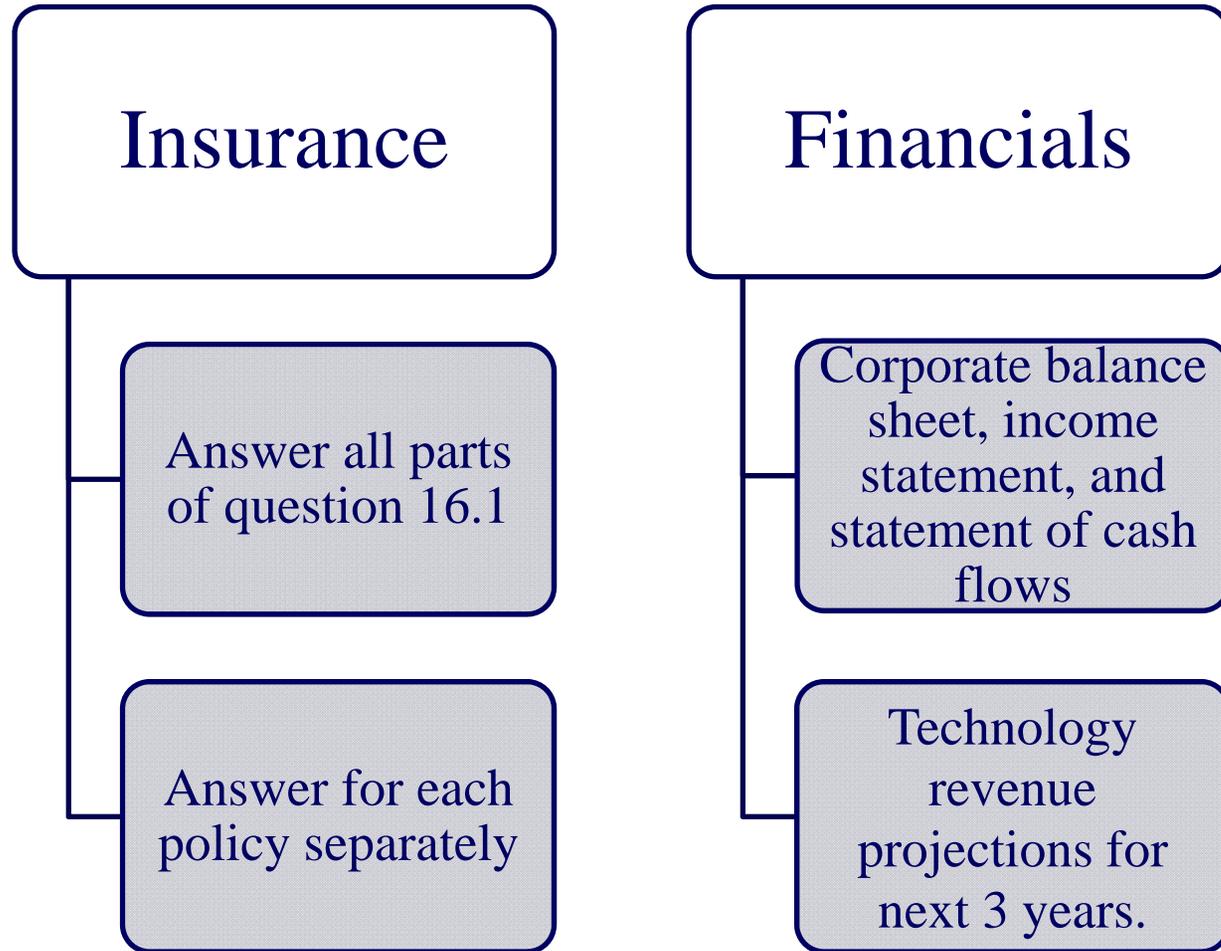
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- **Developmental test:** Tests in a controlled environment, or testing in which one or more of the technology's parameters are routinely altered. Developmental testing proves the design of the technology. At this stage, modifications are still being made to enhance the functionality of the Technology.
- **Operational test:** Tests in which the technology is subjected to conditions that reflect the intended environment for technology use and that reasonably mimics the terrorist threat the technology is designed to counter.
- **Suitability:** Refers to the ability of a technology to perform and be used in accordance with its performance specifications. Suitability measures might include: documentation of quality control plans; reliability data; and indicators of reproducibility between deployments.
- **Representative sample:** Representative samples of supporting documents should be enough of a given type, i.e., training records, personnel records, quality control reports, etc., to demonstrate capability and/or effectiveness for your technology over all deployments





# What insurance and financial data is needed?



Please provide the number of employees in the company and the number who worked directly on your technology in the most recent fiscal year.



## How do I certify my insurance?

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“Pursuant to Section 25.5(h) of the Regulations, *Applicant Name*, hereby certifies that it will maintain the insurance required in the Certificate of SAFETY Act Designation, dated *Date of original Designation letter*, concerning the above referenced Technology.”

- Use corporate letterhead if possible
- Sign and date the letter
- Submit via SAFETY Act Web site



# How do I renew my protections?

## Specifications

Make sure you refer back to your recent Exhibit A – we want to know if anything has changed.

Provide us with updated policy and procedural documents as attachments.

## Safety

Provide us with updated policies and procedures for mitigating safety hazards

## Renewals

## Performance

Provide us with information about the performance of your technology in the field since time of protection.

Work with customers to obtain operational data during the course of your designation.

## Insurance

Provide updated information on your insurance that responds to third- party claims arising from Acts of Terrorism.

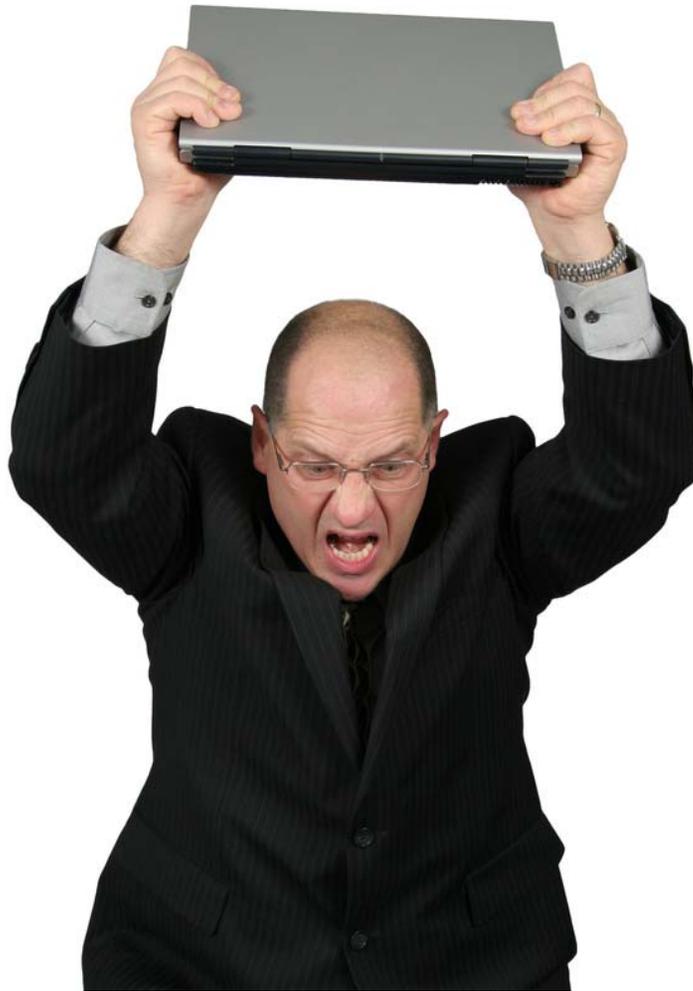
Supply financial Information.

You should consider consulting with OSAI when your technology becomes eligible for renewal (2 years from date of expiration).



# I can't login/respond to an RFI.....

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- **Check the FAQs**
- **Help ticket**
- **Email**  
[SAFETYActHelpDesk@dhs.gov](mailto:SAFETYActHelpDesk@dhs.gov)
- **Toll-Free: 1-866-788-9318**
  - Staffed 8:30am to 5:00pm EST
- **Responses typically within 3 business days**



# Additional Information

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**Online:** [www.safetyact.gov](http://www.safetyact.gov)

- FAQs
- Help Topics
- Step-by-Step User Guide
- SAFETY Act 101 Briefing
- SAFETY Act Fact Sheet
- Help Desk: Online form for questions requiring an individual response

**Email:** [SAFETYActHelpDesk@dhs.gov](mailto:SAFETYActHelpDesk@dhs.gov)

**Toll-Free:** 1-866-788-9318



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