

Frequently Asked Questions

Q: What is the SAFETY Act?

A: The SAFETY Act is a 2002 federal law that created a liability management program for providers of anti-terrorism technologies. Developed by the Dept. of Homeland Security, the Safety Act provides legal liability protections for sellers of qualified anti-terrorism technologies (“QATTs”) that could help 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 when SAFETY Act approved technologies have been deployed.

The goal of the SAFETY Act is to encourage the development and deployment of new and innovative anti-terrorism solutions by providing liability protections. Under the SAFETY Act, certain security product and service providers may apply for liability protections – in the form of a SAFETY Act award – from the Department of Homeland Security (“DHS”).

Q: How are products evaluated for Safety Act Designation?

A: SAFETY Act Designation approval comes as the result of an exhaustive application process to prove to the DHS that the product is effective in helping to save lives following a terrorist attack on a building structure, consistently performs as intended, conforms to set specifications, and is safe for use. Employee training, quality testing, and documented processes/procedures, as well as qualifications of the Thermafiber® Insolutions® team were also part of the application process.

Owens Corning went through a very detailed and thorough review process, where DHS evaluated our extensive test data and engineering services around the technology that was installed in past and present federal buildings. The DHS also evaluated the competency of the Owens Corning® Thermafiber® Insolutions® technical staff and the quality of engineering judgments rendered.

As a result of this multi-step rigorous application review Owens Corning® Thermafiber® Perimeter Fire Containment System solutions were deemed by the DHS to meet the standards for designation under the Safety Act for sellers of qualified anti-terrorism technologies.

Q: Which insulation manufacturers have products that are Safety Act Designated*?

A: Owens Corning® Thermafiber® is the first insulation manufacturer to be publicly listed with The U.S. Department of Homeland Security (DHS) as having products that have Safety Act Designation.

Q: What Owens Corning® products have Designation?

A: Owens Corning has the following fire barrier solutions SAFETY Act Designated*:

Thermafiber® Perimeter Fire Barrier System and Components:

- o Owens Corning® Thermafiber® FireSpan® 90 & 40
- o Owens Corning® Thermafiber® Safing
- o Owens Corning® Thermafiber® Impasse® Insulation Hanger System
- o Thermafiber Insolutions® Design and Installation Services

Thermafiber® Interior Wall/Floor Ceiling Systems:

- o Owens Corning® Thermafiber® SAFB™ (Sound Attenuation Fire Blanket)

Thermafiber® Construction Joint Firestopping Systems:

- o Owens Corning® Thermafiber® TopStop®
- o Owens Corning® Thermafiber® Safing

Thermafiber® Penetration Firestopping Systems:

- o Owens Corning® Thermafiber® Safing

Q: What is the benefit of the SAFETY Act to Owens Corning?

A: Owens Corning is now the first publicly listed insulation manufacturer who is delivering proven, Perimeter Fire Containment System solutions that help provide protection from liability for our customers. This is a competitive advantage since research confirms liability concerns remain a top concern for architects, General Contractors (“GC”), firestopping contractors and other commercial building professionals.

The addition of the DHS SAFETY Act Designation further underscores Owens Corning's commitment to providing solutions that help Architects confidently design, specify and build durable and safe commercial structures. This recognition also represents a testament to the quality of our commercial insulation product technology, manufacturing processes and expertise.

In addition to providing significant value to our customers, the SAFETY Act Designation ultimately reinforces Owens Corning's deep and unwavering commitment to safety in every aspect of our company.

Q: When is the SAFETY Act Designation active for Owens Corning?

A: Owens Corning was able to achieve “Designation” status retroactive to January 1, 2006. The designation is active until December 31, 2022, however Owens Corning can apply for renewal to extend Designation for another 5 years.

Q: What is the difference between Certification and Designation?

A: Certification is the highest form of protection under the SAFETY ACT. With Certification, there is a presumption that seller of the Qualified Anti-Terrorism Technology (QATT) is immediately dismissed from the suit unless there is clear and convincing evidence that seller acted fraudulently or with willful misconduct in submitting data to DHS during the application process. Additionally, the seller cannot be sued for punitive damages, which are damages sometimes awarded by juries to punish a company for reckless conduct; a third party tort suit arising out of a terrorist attack can only be maintained in federal court; and any liability that is incurred by the seller in such third party lawsuit is capped at an agreed upon limit, usually the seller's terror insurance coverage limits.

If the seller obtains Designation coverage, it enjoys all of the protections described above except the presumption of immediate dismissal from the third party tort liability lawsuit arising out of the terrorist attack.

Q: What are the benefits of the DHS Safety Act Designation to architects/GC/contractors?

A: Architects today have an incredibly complex role in commercial building and want to be confident in the design of the building. In this high-stakes design scenario where commercial building occupants depend on architects and specifiers for their safety, the DHS SAFETY Act Designation provides added peace of mind because it is a powerful liability protection available from third-party claims related to performance of anti-terrorism technology and professional services.

Customers that purchase and deploy SAFETY Act Certified or Designated technology enjoy substantial protections from third party tort liability lawsuits filed against them arising out of an act of terrorism. Because DHS interprets the SAFETY Act as permitting only the seller of SAFETY Act approved technology to be the sole defendant in these lawsuits that challenge the SAFETY Act approved technology, customers, users and others like building owners that deploy Owens Corning's SAFETY Act Designated® technology who are named in these lawsuits should be dismissed early from such allegations and suits.

Q: Do Architects, GCs, etc. have to file paperwork during construction to get the protection?

A: No additional steps or paperwork are required to activate the SAFETY Act Designation liability coverage once the product is specified and properly installed in a commercial structure.

Q: Where can I go to find more information on the Safety Act?

A: For additional information, visit www.safetyact.gov

