

The U.S. Department of Homeland Security (DHS) has awarded the SAFETY Act designation to DSA Detection, LLC, the first and only ETD consumables provider to earn this distinction. The approval comes as the result of an exhaustive application process by DHS, which assures that our Verification and Maintenance products meet the highest standards as deterrents to acts of terrorism.



The benefits of the SAFETY Act designation (see details below) also extend to customers of DSA Detection. It insulates our customers and contracted partners in the airline industry from claims of damages associated with terror-related incidents. This protection from liability and limitation of risk adds significant value to the products and services we offer.

DSA is very proud of this accomplishment. It serves as a testament to the training, diligence, experience and knowledge of our employees and to the quality of our product engineering and manufacturing processes and expertise. It reaffirms our commitment to a standard of excellence for all of our products and services.

## **Benefits of SAFETY Act Designation/Certification**

Once a technology receives a SAFETY Act designation and/or certification, it is entitled to certain protections for claims arising from the performance or non-performance of the seller's QATT in relation to an Act of Terrorism. An Act of Terrorism is defined as an act that (i) is unlawful; (ii) causes harm, including financial harm, to a person, property or entity in the United States; and (iii) uses or attempts to use instrumentalities, weapons or other methods designed or intended to cause mass destruction, injury or other loss to citizens or institutions of the United States.

A technology that receives a SAFETY Act designation is entitled to the following protections:

- Only one cause of action exists for loss of property, personal injury or death for the performance or nonperformance of the seller's QATT in relation to an Act of Terrorism
- The one cause of action may be brought only against the seller of the QATT and may not be brought against the buyers, the buyers' contractors, downstream users, the seller's suppliers or contractors, or any other person or entity
- Exclusive jurisdiction in federal court
- Liability for sellers of the technology is limited to the amount of liability insurance coverage for the QATT required by the Secretary of Homeland Security
- No joint and several liability for noneconomic damages such as physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation and any other nonpecuniary losses (in other words, sellers of the technology can only be liable for the percentage of noneconomic damages that is proportionate to their responsibility)
- A complete bar on punitive damages and prejudgment interest
- The reduction of a plaintiff's recovery by the amount of collateral source compensation (*i.e.*, insurance or government benefits that a plaintiff receives or is eligible to receive).

A product that receives a SAFETY Act certification is entitled to the same protections as a SAFETY Act designation described above, as well as an additional benefit: a rebuttable presumption that the seller of the technology is entitled to the government contractor defense. The government contractor defense is an affirmative defense that immunizes sellers from liability for certain claims brought under the SAFETY Act. Under the SAFETY Act, this rebuttable presumption can be overcome only by clear and convincing evidence that the seller acted fraudulently or with willful misconduct when applying for SAFETY Act protections. Notably, in the SAFETY Act context, the government contractor defense applies not only to those selling to the federal government but also to those selling to state and local governments and the private sector as well. If a technology achieves SAFETY Act certification, it will also be placed on DHS's Approved Products List for Homeland Security.