

**U.S. Senate Committee on Homeland Security and Governmental Affairs
“Examining the Chemical Facility Anti-Terrorism Standards Program”**

June 12, 2018

Ranking Member Claire McCaskill

Opening Statement

Thank you, Mr. Chairman. I appreciate you holding this roundtable.

The Chemical Facility Anti-Terrorism Standards program, commonly referred to as CFATS, initially began over a decade ago when Congress authorized it in late 2006. The program became operational shortly thereafter in 2007. As is clear from the name, the CFATS program is part of our country’s counterterrorism efforts. It is designed to secure facilities with hazardous chemicals of interest (COI) to reduce the possibility of those chemicals being used in a terrorist attack, as they were, for example, in the Oklahoma City bombing in 1995.

CFATS uses a risk-based approach to determine which facilities should be covered by the program. Facilities that must comply with CFATS manufacture or store at least one of 322 chemicals of interest at or above a certain quantity and concentration. Covered facilities must develop and implement site security plans that meet the risk-based performance standards established by DHS.

There are 18 risk-based performance standards that facilities must implement, ranging from securing the perimeter of a facility to conducting background checks on employees who handle hazardous chemicals. However, it is up to each covered facility to determine and implement the appropriate measures

that fit the unique needs of each facility. DHS does not mandate that fences be built to a certain height, for example, or that certain surveillance equipment is used. The program is intended to be flexible and tailored to each facility.

CFATS had a rocky start its first few years. At one point, the program faced an extensive inspection backlog, and, as I understand it, DHS struggled to review facilities' site security plans in a timely manner. These issues were compounded by the fact that for a period of time, CFATS was authorized on a series of short-term spending measures. That is not an ideal way to structure and manage a regulatory program. The concern that the program would lapse or that Congress would dramatically change it prevented DHS from making long-term adjustments to develop a sustainable regulatory regime. And, businesses couldn't operate effectively and make thoughtful security investments in such an uncertain environment.

I'm told by DHS and industry alike that the program has come a long way since it was last reauthorized in 2014. We secured a four-year authorization, which turned out to be a game changer. DHS had the space it needed to make adjustments to the program, and improve the experience for covered facilities. By all accounts, CFATS is now far more streamlined, user friendly and less cumbersome. Moreover, companies finally received the regulatory certainty and stability they needed to make lasting investments in the security of their facilities.

The current authorization for the CFATS program expires in January 2019. I'm hopeful that this roundtable will help us determine which aspects of CFATS are working well and perhaps identify some areas that need to be tweaked to enhance security, address gaps in the regulation, and further improve the program's efficiency. Given the tight legislative schedule remaining, this Committee has our work cut out for us to make sure CFATS does not lapse, but I'm confident that we can get it done in a way that ensures we are keeping hazardous chemicals away from terrorists while allowing businesses and communities to thrive. Ultimately, this program is about keeping Americans safe from terrorism.

Thank you Mr. Chairman, and I look forward to hearing from our roundtable participants.