

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

July 16, 2018

Mr. Doug Brown  
President and COO  
Brown Chemical Company  
302 West Oakland Avenue  
Oakland, NJ 07436

Dear Mr. Brown:

Thank you for appearing before the Subcommittee on Environment on June 14, 2018, to testify at the hearing entitled "The Chemical Facilities Anti-Terrorism Standards Program (CFATS) – A Progress Report."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Monday, July 30, 2018. Your responses should be mailed to Kelly Collins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [kelly.collins@mail.house.gov](mailto:kelly.collins@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus  
Chairman  
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

## **Attachment—Additional Questions for the Record**

### **The Honorable John Shimkus**

1. Your testimony acknowledges the existing CFATS Alternative Security Program or ASP and that firms in your trade association have had good experiences using it. Yet, you also testify that you want DHS to give you credit for using your trade association's safety and security code.
  - a. If DHS has already issued an ASP that is being successfully deployed in your industry, what extra element are you seeking that the ASP does not give you?
  - b. How would this work?
2. Your testimony applauds DHS's operation of the CFATS program and makes oblique reference to problems the program had, including a risk assessment and tiering process that was not based on threat or vulnerability levels.
  - a. Was this methodology ever a concern for you in the past?
  - b. If yes, how had changes in CSAT 2.0 made a difference for your firm?
3. Where would you say CFATS has made the most improvements over the last four years?
4. Recently, there was discussion about removing Tier 4 facilities from the CFATS program.
  - a. Would you be concerned that taking such a step would encourage DHS to expand the universe for what constitutes a Tier 3 facility, thereby moving former Tier 4 sites into a more heavily regulated category?
  - b. Why or why not?
5. Do you support allowing non-first responders and local elected officials to have access to Chemical Vulnerability Information for their official duties? If not, is it because you believe it is a bad idea to broadly share this information among the public.
6. Is your Local Emergency Planning Commission only comprised of first-responders or the mayor?
7. Some people would like to see workers Federally-required to be part of the creation of a facility's security vulnerability assessment and site security plan.
  - a. Do you think this should be mandated or do you think this interaction is better left to the collective bargaining process between workers and their employer? Why?