

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. Chris P. Currie  
Director, Emergency Management; National Preparedness;  
and Critical Infrastructure Protection  
Homeland Security and Justice Team  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20226

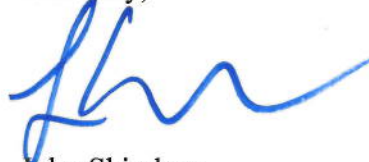
Dear Mr. Currie:

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. Mr. Currie, your testimony overall, seems pretty positive about the changes that DHS has made to the CFATS program. What would you say are the most notable improvements DHS has made to date regarding the implementation of the program?
  - a. What are the most notable areas where DHS still needs to improve its implementation of the program?
2. Mr. Currie, your written testimony highlights the fact that DHS has eliminated the backlog for the Agency's reviews of site security plans and visits to facilities to ensure that security measures meet DHS standards. Based on its analysis, is it GAO's understanding that DHS appropriately completed all of the reviews and site visits?
  - a. Does GAO have any recommendations currently regarding DHS's handling of site security plans?
3. Mr. Currie, one of the issues you raised in your testimony where DHS may have room for improvement is regarding compliance inspections. Your written testimony notes that as of July 2015 DHS had conducted compliance inspections at only 83 of the 1,727 facilities with approved security plans. Do you know what the current number of facilities for which DHS has conducted compliance inspections?
  - a. Your written testimony also noted that of the small number of facilities for which DHS had conducted compliance inspections, nearly half of the facilities were not compliant with their approved security plans and that DHS did not have documented procedures for managing compliance. Based on GAO's analysis of the current situation, has DHS improved in this area?
4. Mr. Currie, your written testimony discusses the need for DHS to better coordinate and share data with states and other federal agencies such as EPA to better identify facilities that had failed to report information to comply with CFATS. Based on GAO's recent analysis of the CFATS program, is DHS's doing a better job of working with states and other federal agencies?
5. Mr. Currie, you noted that DHS has made progress toward better assessing the risks at regulated facilities in order to place facilities in the appropriate risk tier. Would you please elaborate?
  - a. GAO previously recommended that DHS incorporate all elements of risk in its risk assessment approach. Based on GAO's recent analysis, does GAO believe that DHS is incorporating all elements of risk?

- b. Does GAO have any initial feedback it can share regarding the model DHS developed with Sandia National Laboratories regarding the elimination of the economic consequences of a chemical attack?
  - c. What about the model that DHS developed with Oak Ridge National Laboratory to devise a new tiering methodology?
- 6. Mr. Currie, your written testimony discusses the Expedited Approval Program that Congress in the CFATS Act of 2014 directed DHS to create as another option that tier 3 and tier 4 chemical facilities can use to develop and submit security plans. Your written testimony notes that only 8 of the 3,152 facilities eligible to use the Expedited Approval Program, opted to use it. Could you walk us through why GAO thinks that is?
- 7. Mr. Currie based on GAO's analysis of DHS' handling of compliance inspections and enforcement – does GAO have any recommendations for DHS?
  - a. What about the issuance of penalties as a method of ensuring compliance, has GAO recommended to DHS that they issue penalties?
- 8. Mr. Currie, in past oversight hearings regarding CFATS we discussed that a systematic approach to soliciting feedback on DHS' outreach efforts would improve the CFATS program. Are you familiar with whether DHS has improved its approach to obtaining systematic feedback on its outreach activities to facility owners and operators?
  - a. Your written testimony notes that DHS agreed to take action to solicit and document feedback from the regulated community – to your knowledge, has DHS done this?
  - b. Your written testimony mentions a questionnaire to solicit feedback on outreach with industry stakeholders and notes that DHS began using the questionnaire in October 2016. Does GAO have any information regarding the effectiveness of the questionnaire?
- 9. One of the questions I have is how does Congress objectively know whether the CFATS program has over time been increasing security at regulated facilities.
  - a. Can you tell me, from an objective standpoint, whether the CFATS program has increased security at these facilities?
  - b. Can you give me some practical examples, including incidents prevented or security risks avoided?
  - c. What types of security metrics are critical to this objective evaluation?
- 10. Not every member of a Local Emergency Planning Committee (LEPC) is a first responder or local elected official. In fact, Section 301(c) of the Emergency Planning and Community Right to Know Act (EPCRA) mandates other parties, including the media, constitute the minimum composition of the LEPC. Section 2103 of the Homeland Security Act provides

first responders and local elected officials access to relevant chemical vulnerability information to respond to incidents.

- a. Do you think non-first responders and non-elected officials should be entitled access to CVI? If so, who and why?
- b. Do you think CVI training should be a pre-requisite to anyone seeking CVI? If so, why?