

WASHINGTON, DC – Energy and Commerce Committee Republican Leader Greg Walden (R-OR) delivered the following opening remarks at a Subcommittee on Environment and Climate Change [hearing](#), *“Protecting and Securing Chemical Facilities from Terrorist Attacks.”*

As Prepared for Delivery

Good morning, Mr. Chairman, and thank you for holding today’s hearing.

On this day that reminds us that our freedom should never be taken for granted and that we should never forget the sacrifices made or those that are necessary to keep us safe, I appreciate that you have focused the subcommittee’s attention on legislation to maintain the authority of the Chemical Facility Anti-Terrorism Standards program – or CFATS.

This program was created after the terrorist attacks of September 11, 2001. At that time, Congress examined federal authority to address theft, diversion, and terrorism at chemical facilities and found that the existing accident prevention and process safety laws were insufficient and inappropriate to tackle these concerns. Congress decided a separate and distinct body of law and requirements were needed to secure these facilities. Leaving the Clean Air Act to address general safety and accident concerns that might affect air quality, Congress used CFATS to fill the legal gaps for addressing those intentional acts that compromise the security of this critical infrastructure sector.

CFATS was not intended to be your garden variety regulatory program. CFATS not only covers huge chemical and petrochemical complexes, but also racetracks, wineries and breweries, universities and colleges, and hospitals, and other health care providers. Due to the scope of the program and the fact that each facility faces different security challenges, and to avoid overlapping with other federal programs, CFATS was designed to foster collaboration between the government and the regulated parties. And this collaboration and compliance leads to facilities that are more secure.

I mentioned at the start of our hearing last fall that the CFATS program has had to overcome some tough years. Our subcommittee received testimony that day from the Government Accountability Office and other stakeholders that the Department spent four years correcting the program, including updating its application of Department risk criteria to decisions under CFATS.

CFATS must provide value to taxpayers, the federal government, and the facilities that could fall victim to intentional attacks. To do that, I believe program improvements must be sustainable and reliable. For this reason, I am skeptical of making any major changes to the program that would either dilute or divert the Department from its statutory mission, or replicate authorities that other Federal agencies have been given by Congress.

Mr. Chairman, I know we are here to discuss legislation that keeps CFATS authority from expiring this coming April – and we should not have this anti-terrorism program expire. I understand the Homeland Security Committee marked up this bill 12 weeks ago – that it passed on a straight party line vote with no Republicans supporting it; but I also understand they have not formally reported the bill.

Our Committee has been overseeing this program since its inception and today continues Energy and Commerce’s work. I look forward to working with you and the full Committee chairman to see where we can strike a bipartisan agreement.

I want to welcome our witnesses for being with us today and thank them for sharing their views with us. With that, Mr. Chairman, I yield back the balance of my time.