



Testimony

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“The Chemical Facility Anti-Terrorism Standards Program”

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SUBCOMMITTEE ON THE ENVIRONMENT AND CLIMATE CHANGE

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Introduction

Chairman Tonko, Ranking Member Shimkus, and members of the Committee,

I appreciate the opportunity to appear before you today to discuss the development and maturation of the U.S. Department of Homeland Security's (DHS) regulation of high-risk chemical facilities under the Chemical Facility Anti-Terrorism Standards (CFATS) Program.

Chemicals are vital to our daily lives and our economy. We use them to develop medicines that maintain our health, to fertilize our crops, to provide refrigeration for our food supply, to refine fuel for our vehicles, and to build the microchips that run our smartphones. Despite these benefits, chemicals do not come without risk. Terrorists continue to seek out, acquire, and use chemicals in devastating attacks and our adversaries around the world continue to target facilities that store or produce chemicals.

We have worked hard to strengthen our homeland security in the aftermath of Oklahoma City in 1995 and the September 11, 2001 attacks. However, the reality is that we continue to live in a dynamic, changing threat environment. While an attacker would have to physically drive a truck bomb up to a building 20 years ago, today, that attacker might target a chemical facility's operating systems making toxic chemicals vulnerable or employ an unmanned aircraft system to carry out an attack from the comfort and security of a remote location. The consequences of an airborne chemical attack on a crowded location would be devastating and ensuring that doesn't happen is one of the reasons that I sit before you today. We must remain diligent in our mission to help protect the American people from chemical attacks.

Benefits of the CFATS Program

Simply, CFATS has made our Nation more secure. Since its creation, and greatly aided by long-term authorization, we have engaged with public- and private-sector stakeholders to identify chemical facilities that present the highest risk in case of terrorist attack or exploitation and to ensure that these facilities have security measures in place to reduce the risks of these hazardous chemicals. CFATS, as a non-prescriptive, flexible, program is well-suited to reduce the risk of a chemical terrorist attack.

DHS works with facilities to identify security measures tailored to the individual site's unique circumstances. Our Chemical Security Inspector cadre works with facilities to discuss options for complying with the program's 18 risk-based performance standards and also to ensure they take credit for existing measures and business practices, thus minimizing any unnecessary expenses. As a result, the level of security across the chemical industry has significantly increased, not only making a successful attack on a chemical facility more difficult, but also serving as a significant deterrent to adversaries who might seek to exploit chemicals for nefarious purposes.

In 2006, Congress recognized the threat of attacks using chemicals to injure and cause mass casualties. Recognizing that security gaps at chemical facilities had left our Nation vulnerable and, with the aim to reduce the risk of a chemical attack against Americans, Congress took decisive action to establish the CFATS regulatory compliance program.

In December 2014, Congress passed the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014* (CFATS Act of 2014). This statute, which enjoyed strong

bipartisan and stakeholder support, brought stability for both the Department and the regulated community and provided stakeholders with confidence in the program's future.

Enacting a multiyear CFATS authorization as Congress did in 2014, has facilitated important improvements in the CFATS program, as well as incentivized facilities to engage with the Department on facility security. Facilities unsure of the return on capital investment were assured that security standards established by CFATS would not change and made critical investments to improve security. DHS/CISA would like to look to a long-term policy solution for protecting and security chemical facilities, we look forward to working with Congress and other parts of the Administration to achieve this long-term vision.

The Path Forward for Chemical Security

Since the passage of the CFATS Act of 2014, much has been accomplished and our program continues to make significant forward progress. Through the collective efforts of our dedicated workforce, industry and other stakeholders, and through the support and leadership of Congress, the CFATS program has significantly matured.

Since the passage of the CFATS Act of 2014, the program has realized true results including:

- A dramatic improvement in the pace of inspections, reviews, and approvals;
- Development and deployment of an enhanced risk-tiering methodology that affords a more accurate reflection of a facility's risk;
- Streamlining of the Site Security Plan development process and the stakeholder "user experience," reducing the burden without sacrificing security through the launch of the CSAT 2.0; and

- Enhancing efforts to address insider threat at our nation's high-risk chemical facilities through the implementation of the CFATS Personnel Surety Program (PSP).

Though much progress has been made, both within the CFATS program—and across our extended community of industry stakeholders, we are not finished. The Department recognizes that as the threat environment is constantly evolving, so too must the CFATS Program. We continue to focus on ways to enhance and evolve the CFATS program. We are undertaking a deep dive of the CFATS Program to identify opportunities to improve efficiencies and enhance the security value.

While facets of this deep-dive are still ongoing, many of the program areas were covered by the recent, extensive Government Accountability Office (GAO) audit. Having concurred with GAO's recommendations, DHS has developed and begun reporting a risk reduction metric and has enhanced outreach to local emergency planners.

In addition, CISA continues to engage our workforce and industry stakeholders on ways in which the regulation can continue evolving to meet today's complex risk landscape. Building on the success of the regulatory efforts to enhance chemical security, DHS believes we can work across the chemical security community to foster an even broader culture of chemical security through voluntary efforts.

Recognizing the targeted approach of the CFATS program covers only the highest-risk sites – a fraction of the broader universe of chemical facilities – the Department is considering other opportunities to further assist the chemical facility population at-large to enhance their security through voluntary initiatives.

Conclusion

In view of the continuing threat, chemical security must remain a continuing high-priority for the nation. We cannot allow terrorists to access dangerous chemicals. If we can imagine a scenario, a motivated terrorist can imagine a worse one. From the Middle East to Europe and beyond, we have seen overseas the devastating consequences of chemical terrorism: this cannot be allowed to happen on American soil.

As we work to defend today and secure tomorrow, it is imperative that we continue to directly address the threat of chemical terrorism, and the CFATS Program is an integral part of that effort. I look forward to working with this Committee to chart a path towards long-term reauthorization of this critical national security program, and I thank you for your continuing leadership on this issue. I am happy to take questions.