

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

June 26, 2018

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
U.S. Senate
Washington, D.C. 20510

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and
Governmental Affairs
U.S. Senate
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member McCaskill:

The U.S. Chamber of Commerce appreciates the roundtable that the committee held on June 12, *Examining the Chemical Facility Anti-Terrorism Standards Program*. We strongly support reauthorizing the Chemical Facility Anti-Terrorism Standards (CFATS) program—a regulatory effort that is administered by the Department of Homeland Security (DHS) to enhance security at high-risk chemical facilities.

It is important that Congress act expeditiously to extend CFATS. The Chamber is part of the CFATS Coalition, which is composed of an array of associations and companies that are impacted by CFATS regulations. Coalition members represent major sectors of the U.S. economy, including chemical production, chemical distribution and storage, manufacturing, oil and gas refining, utilities, mining, and agricultural goods and services. These businesses are critical to the health of the American economy. The “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014” (P.L. 113-254) will expire in January 2019. The Chamber supports a multiyear reauthorization to provide the owners and operators the certainty they need to make long-term planning and investment decisions.

Reauthorization legislation should also improve CFATS. In particular, new legislation should safeguard sensitive security information. Terrorists and other malicious actors should not be given the keys to unlock the security of a facility. The Chamber supports strictly limiting access to sensitive information (e.g., control system schematics and chemical vulnerability data) to the owners and operators of a facility, cleared individuals, and DHS. Any new law that would weaken controls governing site security information would be a step in the wrong direction.

CFATS should be more transparent to the regulated community. DHS should better explain the Department’s risk-tiering methodology to a facility’s security principals. Industry organizations often tell the Chamber that this process is unnecessarily vague, which inhibits a covered site’s security and resilience posture. In addition, the Chamber recommends that any

changes to the Appendix A list of approximately 300 chemicals of interest, or COI, remain subject to public notice and comment.

The Chamber looks forward to continuing to work with your committee, DHS, and relevant stakeholders as legislation extending CFATS is developed and moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley

cc: Members of the Committee on Homeland Security and Governmental Affairs