



# COMMITTEE ON HOMELAND SECURITY

FOR IMMEDIATE RELEASE

## Hearing Statement of Cybersecurity, Infrastructure Protection, and Innovation Subcommittee Chairman Cedric Richmond (D-LA)

### *Securing Our Nation's Chemical Facilities: Stakeholder Perspectives on Improving the CFATS Program*

March 12, 2019

Congress has just over one year to reauthorize the Chemical Facility Anti-Terrorism Standards (CFATS) program, and I want to make one thing clear: This Committee is committed to getting reauthorization across the finish line.

Last month we heard from DHS and GAO, and today we will hear from stakeholders who deal with CFATS on the ground.

My district in Louisiana is home to more than 20 CFATS facilities. I understand how important the stability of the CFATS program is to the chemical industry, which is critical to my district's economy. Without regulatory stability, I am concerned CFATS facilities will not make strategic security investments, which is bad for business and bad for my community. I also represent the people who live near these facilities, the employees who work at these facilities every day, and the fire fighters and police we would call to respond to an emergency.

In short, reauthorizing CFATS is critical for every stakeholder communities like mine – from facility owners and employees to surrounding communities and first responders.

At the Full Committee hearing last month, we discussed opportunities to build on the progress that has been made under the existing CFATS program. Since CFATS was established, the number of 'high risk' chemical facilities has dropped by half. I believe - and DHS agreed - that there is an opportunity to take the data on how facilities are reducing risk and use it to develop voluntary best practices that other facilities could use to buy down risk. This would be a win for chemical facilities, local communities, and the taxpayer – making us all safer, and allowing DHS would to focus its limited resources on the highest risk facilities.

Unfortunately, we also heard about some of the areas where CFATS continues to fall short.

The Department is still not making sure first responders and emergency planners have enough information – or the right information – about local CFATS facilities in their area.

Six years after West, Texas, this is simply unacceptable.

Further, it is not clear to me that CFATS facilities are including employees in the development of site security plans, vulnerability assessments, or inspections – as they are required to do by law.

I am proud of the panel we have assembled here today and look forward to hearing our witness' perspectives on how we can address some of the program's shortcomings. We have panelists who know what it's like to respond to an

emergency at a chemical facility without knowing what chemicals are onsite or how to handle them. We have panelists who will be able to tell us what it's like to live in the shadow of one or more of these high risk facilities, and the difficulty communities have when it comes to preparing for and understanding the dangers those facilities present. And we have panelists who know what it's like to work in a high risk facility – but do not have a seat at the table when executives are making decisions about security.

Right now, it appears there are a number of relevant factors DHS is not including in its analysis. DHS does not consider whether the facility is located near a hospital, a school, a residential area, a military base, a power plant, or proximity to other chemical facilities. Any of these factors could make a facility a more attractive target, or intensify the consequences of an event to the surrounding community. If CFATS is going to be successful, we need to be sure that the program is taking all relevant factors into account to assess risk. Otherwise, we can't trust that CFATS is truly capturing the nation's highest risk facilities.

Moreover, research shows that facilities with dangerous chemicals tend to be heavily concentrated in minority and low-income areas, meaning that we may be exposing our most vulnerable populations to a disproportionate share of chemical security risks.

DHS should also do more to understand what it means to be 'high risk' and to leverage the expertise of a broader group of stakeholders. Overcoming information sharing challenges will require us to rethink how we restrict access to certain information deemed sensitive to national security.

Although I am sensitive to the tension between security and transparency, it cannot be a barrier to better security, or used to prioritize the security of some over others.

I hope to hear your thoughts on how we might strike that balance, and I look forward to your testimony.

# # #

Media contact: Adam Comis at (202) 225-9978