

**FOR IMMEDIATE RELEASE****Statement of Ranking Member Bennie G. Thompson*****West Fertilizer, Off the Grid: The Problem of Unidentified Chemical Facilities***

August 1, 2013 (Washington) – Today, Committee on Homeland Security Ranking Member Bennie G. Thompson (D-MS) delivered the following prepared remarks for the Cybersecurity, Infrastructure Protection, and Security Technologies subcommittee hearing entitled "West Fertilizer, Off the Grid: The Problem of Unidentified Chemical Facilities":

"In the four months since explosions at a fertilizer facility shook the small town of "West, Texas" to its core, shockwaves have been felt across the country, here in Washington, and even at 1600 Pennsylvania Avenue.

As the scale of death and destruction has come into focus, Americans have been forced to ask themselves some very tough questions—

Could a "West-type" event happen here, in my community? Do facilities with explosives or lethal chemicals that pose a risk to my family, my home, my community?

For most people, the likely response is "maybe"— followed by "well, I don't know but surely my local fire chief does. Surely, the Federal government does, and they will keep my family safe." Unfortunately, the West facility explosion undermines that sense of comfort.

The West Firefighters heroically went in to do as they had been trained, fight a fire. But this was a chemical fire - fueled by ammonium nitrate. In the end, twelve of these heroes lost their lives. And, until these explosions, the Department of Homeland Security- the Federal lead for chemical security did not know that the West plant even existed.

DHS administers the risk-based, performance-based C-FATS program which requires facilities with threshold quantities of certain chemicals to submit information through the "top screen" process. DHS then performs a risk analysis to determine whether the plant should be regulated. Facilities that DHS determines to be "high risk" are required to do vulnerability assessments and site security plans.

When I drafted the originating legislation, I envisioned, a high level of collaboration between risk-tiered facilities and DHS inspectors to ensure that security practices would be tailored to actual vulnerabilities.

I also envisioned that site security plan information would be shared with local first responders. Had that information-sharing occurred in West, Texas, some of the death and property damage could have been mitigated.

Today, for CFATS to work, facilities have to pay attention to the Federal Register. For large operations that have regulatory affairs departments, that is probably not too difficult. Facilities that maintain membership in national associations, like the ones we will hear from later today, also have access to this information.

It is the unaffiliated, usually small, so-called "outliers" that dot our nation's landscape that are of concern.

Many of these facilities operate in areas where the only responders are volunteers, who do not have access to the kind of specialized training and resources that are necessary to respond West-type explosions.

As the Congressman for a rural area and a former volunteer firefighter, I am troubled by the prospect that thousands, maybe tens of thousands, of these facilities operate, under the regulatory radar.

There needs to be a sense of urgency on this issue, at all levels of government.

Interagency coordination is essential. Between the EPA, ATF, OSHA, DHS, Coast Guard, and State Regulators, there should be enough information available to identify those facilities that pose a risk. That information needs to be shared.

The next challenge is probably far more difficult—ensuring that DHS properly analyzes the risks at facilities that provide information.

GAO has told us that when it comes to assessing risk and assigning risk tiers – arguably the most essential aspect of the CFATS program– DHS’ analysis is neither reliable nor consistent.

To that point, the Blue Rhino propane facility in Florida that, just this week, exploded, sending 200-foot fireballs into the night sky, was not determined by DHS to be “high-risk”.

But, I believe that, with a lot of work and a lot of smart people, in the CFATS program can be better. That is why I joined my colleague on the Energy and Commerce Committee, Mr. Waxman, in calling on the President to bring together experts to tackle these fundamental issues.

In response, I was pleased to see the President establish an interagency working group to collaborate on improving information sharing and chemical safety and security. Hopefully, this renewed focus will yield meaningful results.”

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