

“Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program”
Opening Statement of Chairman Ron Johnson
June 4, 2019

As prepared for delivery:

The Department of Homeland Security’s first regulatory program, the Chemical Facility Anti-Terrorism Standards program known as CFATS, was initiated in 2006 to reduce the chance of terrorists using certain high-risk chemicals during an attack. Since its initial authorization, however, a number of questions have been raised concerning the effectiveness of the CFATS program. Both Congress and non-partisan government watchdogs have highlighted significant challenges facing the program, including a flawed threat-tiering methodology, ineffective metrics, significant backlogs, and program mismanagement. This oversight has helped uncover and correct some of the program’s deficiencies. As a result, each time Congress has authorized the program, it has provided a sunset to ensure ongoing oversight and reform.

In 2014, Congress made changes to the CFATS program and reauthorized it for another four years. Since then, my Committee has conducted additional oversight of the CFATS program to evaluate its effectiveness and propose reforms addressing its shortcomings. Last year, we passed a five year reauthorization and reform of the CFATS program by voice vote out of the Committee. Unfortunately, we were unable to come to an agreement with the House on the legislation before the program was set to expire, and instead agreed to passing a short-term extension of the program that will expire in April 2020.

Ahead of April 2020, we know there is much work to do. A recent report by the U.S. Government Accountability Office found that after its creation thirteen years ago, CFATS still does not effectively measure or demonstrate risk reduction. The chemical industry has also provided valuable feedback, including the need to avoid duplication with other regulatory regimes, keep the program focused on national security, protect sensitive site security information, and adapt the program to the current threat environment. As a former plastics manufacturer, I understand how this industry greatly contributes to our economy and the need to protect it from bad actors. However, I also understand the burden of duplicative or excessive regulations on businesses.

Today, we have assembled a roundtable of key stakeholders to discuss proposals for improving and reforming the CFATS program. Our goal should be to lessen the burden on regulated facilities while still enhancing the national security of the United States. We welcome representatives from DHS, GAO, private sector companies regulated by CFATS, and a member of the chemical sector workforce. I thank everyone for joining this roundtable. I look forward not only to your comments, but also to engaging with Ranking Member Peters, Representative Thompson, Representative Rogers, and others to identify reforms to improve the efficiency and effectiveness of the CFATS program.