

U.S. Senate Committee on Homeland Security and Governmental Affairs
“Sensibly Reforming the Chemical Facility Anti-Terrorism Standards
Program”

OPENING STATEMENT OF RANKING MEMBER GARY C. PETERS

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AS PREPARED FOR DELIVERY

Thank you, Mr. Chairman.

At its most basic level, the Chemical Facility Anti-Terrorism Standards program, commonly referred to as CFATS, was designed to ensure that certain chemicals would never fall into the hands of terrorists. Created in 2006, this program struggled with inconsistency and inefficiency in its early years.

CFATS has seen multiple short-term extensions over the past decade, undermining the stability needed to manage a vital national security program.

The uncertainty surrounding the future of CFATS made it difficult for the Department of Homeland Security to advance and mature the program’s core functions. Likewise, chemical facilities around the country lacked the regulatory certainty to make long-term investments in their security.

Fortunately, in 2014, Congress came together on a bipartisan basis and provided a four year reauthorization, creating the consistency and stability necessary to make CFATS successful. I am committed to building on that momentum and once again providing a bipartisan, multi-year reauthorization.

As the program continues to mature, we must address the remaining gaps and work to bring CFATS up to par with other established and enduring safety and security programs.

There are a number of areas where we can refine and improve this program. In today’s world, cyber threats permeate every aspect of our lives, and chemical facilities face distinct threats.

Terrorists can exploit the cybersecurity vulnerabilities of chemical facilities to cause real-world physical impacts in our communities. We must ensure that these facilities are fully addressing the cyber-threats they face.

Enhancing outreach and coordination with first responders is another area that deserves attention. DHS has recently made progress on this front, but there is room to do more.

A number of facilities have testified before Congress about their extensive coordination with first responders. We should make these success stories the norm for CFATS facilities across the country.

As CFATS continues to mature, developing the employee engagement components of the program must remain a priority. Similar to other established inspection regimes, like those run by OSHA and EPA, CFATS should have procedures in place for inspectors to coordinate with both management and workers.

Chemical workers know the ins and outs of their facilities. It only makes sense that their expertise would be consulted when drafting, implementing, and evaluating site security plans.

We should also examine how to improve the current, incomplete whistleblower program.

Current law does not include critical whistleblower retaliation protections, which could create a chilling effect that dissuades individuals from stepping forward and making difficult, but necessary, reports on the security of facilities.

These retaliation protections support transparency and security. They are a standard and crucial piece of any whistleblower program and should be part of a long-term CFATS reauthorization.

As we've seen in the past, reauthorizing CFATS is no small task. But we must come together to ensure that terrorists cannot gain access to these chemicals.

I appreciate that Chairman Johnson worked with me to extend this program until April of next year, and I'm confident that we can work together to find the common ground necessary to get the job done.

Thank you, Mr. Chairman. I look forward to a frank and productive discussion.