



## **Chemical Facility Anti-Terrorism Standards (CFATS)**

### **NACD Position**

NACD supports legislation to reauthorize the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program. NACD's priorities are:

- To obtain a multi-year reauthorization of the CFATS program prior to its April 20, 2020, expiration.
- To provide industry with the certainty needed to make long-term facility security investments and enable DHS to run the CFATS program efficiently.
- To ensure the CFATS program properly protects against security threats at NACD member facilities.
- To establish a *CFATS Recognition Program*, an alternative compliance option to reward participation in industry stewardship programs that further enhance chemical security.

### **Policy Background**

On January 17, 2019, Congress passed H.R. 251, the Chemical Facility Anti-Terrorism Standards Program Extension Act, extending the program's expiration date by 15 months, from January 18, 2019, to April 18, 2020.

The CFATS program was created in 2007 to help prevent terrorist attacks on high-risk chemical facilities. This DHS-administered program requires covered chemical facilities to prepare Security Vulnerability Assessments and implement Site Security Plans (SSPs) that must satisfy the risk-based performance standards outlined in the rule. The CFATS program had a slow start, suffering from departmental turnover and a severe backlog in authorizing and approving SSPs. One-year and partial-year extensions of the program granted under the appropriations legislation have exacerbated these issues. In 2014, however, Congress passed H.R. 4007, the Protecting and Securing Chemical Facilities from Terrorist Attack Act of 2014, which granted a four-year authorization to the program, ensuring a coordinated effort between government and industry to secure the nation's high-risk chemical facilities better through smart and efficient security investments. DHS, however, has turned the corner and is beginning to authorize and approve SSPs at a steady pace.

### **Reauthorization in 2019**

NACD will continue to advocate a multi-year reauthorization of the CFATS program expiring April 18, 2020. The legislation passed in January 2019 provided a 15-month extension of the program's expiration date with the understanding both chambers would make a multi-year reauthorization a priority in the 116<sup>th</sup> Congress. Both chambers are expected to begin scheduling committee hearings on the CFATS program as early as February 2019. NACD intends to work closely with Congress, DHS, and other stakeholders to ensure the continued viability of the CFATS program without interruption and to promote a smooth reauthorization process in the 116<sup>th</sup> Congress.