

May 14, 2020

Dear Members of the U.S. Senate:

We, the undersigned stakeholders of America's leading chemical distributors, write you today regarding the urgent need for Congress to reauthorize the Department of Homeland Security's (DHS) Chemical Facilities Anti-Terrorism Standards (CFATS) program well beyond its *current expiration date of July 23, 2020*. Ensuring the long-term reauthorization of this critical program will help safeguard chemical facilities by providing the regulatory stability and continued federal assistance for companies to make smart investments in security measures that will protect the infrastructure, employees, and nearby communities from potential terror attacks.

The CFATS program, a critical national security program that helps secure the nation's highest-risk chemical facilities against terrorist attacks, has helped owners and operators at more than 3,000 high-risk chemical facilities identify physical and cybersecurity vulnerabilities that could be exploited and weaponized in a terrorist attack. The CFATS program provides a thorough yet adaptable approach to ensuring the security of high-risk chemicals by setting a consistent standard across the community of high-risk chemical facilities. As a result, chemical facilities and communities across the nation are protected from potential harm due to the CFATS regulatory program and the public-private partnership it necessitates. Furthermore, due to the CFATS program's focus on prevention of potential theft and diversion of certain high-value chemicals, the program saves businesses millions of dollars.

Facilities regulated by the CFATS program are periodically inspected to verify that these high-risk facilities are complying with eighteen broadly defined risk-based performance standards (RBPS). The broad nature of these RBPS allows each facility to fashion its *own* site security plan that is then measured against the performance standards *for that site*. Fundamentally, CFATS requires site operators and DHS to collaborate and communicate to secure hazardous chemicals. In fact, the CFATS program has been a key point of communication and collaboration for public-private concerns during the COVID-19 pandemic response.

From the time the first multi-year CFATS authorization was set to expire in 2018, NACD members have advocated for a long-term reauthorization. The success provided by Congress' 2014 four-year reauthorization is evident through the successful implementation and progress made by those administering the CFATS program in the years since 2014. In spite of these efforts, each successive extension has become shorter. In addition, the FY 2021 Administration Budget proposes the CFATS program be made voluntary administered by Protective Security Advisors (PSA). These developments are not consistent with a robust, nationwide chemical security program and the lack of PSA regulatory authority will inhibit a consistent standard. They do not allow the regulated community the time to properly plan for and maintain a security posture. And they do not send the right message regarding America's security posture during a worldwide pandemic, or at any time.

We, the undersigned, encourage you to discuss long-term CFATS reauthorization with your Leadership, at your earliest convenience. Multi-year reauthorization is the best solution to keep this critical mission on track and avoid any curtailment of chemical security. Our industry stands ready to assist in this effort. Thank you for your consideration.

Sincerely,

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