Chemical Facility Anti-Terrorism Standards (CFATS)

Background:

Congress gave the Department of Homeland Security (DHS) statutory authority to regulate chemical facilities in Section 550 of the DHS Appropriations Act of 2007. According to the definition of a chemical facility under CFATS, this set of regulations applies to any facility that has onsite certain chemicals above certain quantity threshold, such as but not limited to petrochemical manufacturing and storage plants, and refineries. DHS has since promulgated a set of security regulations for high-risk chemical facilities and is currently in the implementation phase. CFATS is reauthorized yearly in the annual DHS appropriations bill.

The statute was enacted to establish federal oversight over our nation’s high-risk chemical facilities in order to reduce risk and improve security. These goals are achieved through the promulgation and adherence to risk-based performance standards. The standards are meant to be strong enough to ensure security, while remaining flexible enough for companies and individual facilities to meet the standards in a way that is best suited for their business practices.

In November 2011, an internal DHS report was leaked to the public. In short, it outlined the deficiencies in DHS’ implementation process. DHS is working through these issues as outlined in the agency’s 92 point plan to address implementation concerns. At this point in time, the agency has committed to have successfully addressed the vast majority of these issues.

How to improve CFATS:

AFPM continues to support the CFATS program, despite the fact that the implementation has been fraught with problems that DHS must address. Nonetheless, AFPM believes that Congress has the opportunity to improve DHS implementation in the following ways:

1. Encourage or require DHS to finalize the Personnel Surety Program (PSP) in a manner that allows for acceptance of TWIC and other federally recognized credentials without further submissions, verifications or validations.
2. Encourage DHS to approve Site Security Plans (SSP) at a faster pace.
3. Exercise Congressional oversight over DHS’ implementation of CFATS to ensure improvements are made.
4. Enact multiyear reauthorization of CFATS to provide industry with certainty.

Why Improve CFATS?

Security of our Nation’s Critical Infrastructure

The petrochemical and refining industry has made significant improvements to ensure the safety of high-risk facilities. Industry has also worked diligently to assist DHS in implementation. It is imperative that DHS finish the task it started to fully implement an efficient and effective CFATS program that ensures that our nation’s high risk facilities are secure. Our members need regulatory certainty and need to know that the resources and time invested in improving their site’s security to comply with CFATS was not done in vain.