

## **Congress Must Act Soon to Protect High-Risk Facilities**

*By Eric Byer*

Ensuring terrorists don't have access to high-risk chemicals should be a no-brainer priority for Congress. But if they don't take action soon, the situation could be dire. A critical program that sets the standards for protecting and securing facilities that use, manufacture, store or handle certain high-risk chemicals – the Chemical Facility Anti-Terrorism Standards (CFATS) program – will sunset in January if Congress doesn't move quickly to reauthorize it. While nine months may seem like plenty of time to secure another long-term bill, one hallmark of the 115<sup>th</sup> Congress has been nudging right up to or blowing past deadlines for critical legislation.

For example, spending bills like the one signed last month at the final possible moment after multiple extensions and one government shutdown are historically fraught with competing priorities. Other legislation, like long-term Federal Aviation Administration reauthorization, is centered around complex issues that have engendered years of study, discussion and debate. Still other critical legislative deadlines have become embroiled in politics, like the Children's Health Insurance Program (CHIP), which expired Sept. 30, 2017 and was finally reauthorized in January 2018.

Closer to home for the chemical distribution industry, even other programs have suffered from competing Congressional priorities and distractions. The bipartisan Generalized System of Preferences (GSP), which saved American businesses \$730 million in tariffs in 2016 and passed the House by an overwhelming margin of 400-2, is a good example. GSP renewal lapsed, languishing in the Senate for nearly three months until being included in the March 23 spending bill. For the sake of our nation's security, we can't let this happen to CFATS.

The CFATS program was created in 2007 to help prevent terrorist attacks on high-risk chemical facilities. The U.S. Department of Homeland Security (DHS) administers this important program that requires impacted 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 National Association of Chemical Distributors (NACD) was the first chemical industry association to include security in our environmental, health, safety, and security management system known as NACD Responsible Distribution®. From the outset, we welcomed CFATS as an important security and counterterrorism effort. But the CFATS program had a slow start, suffering from departmental turnover and a severe backlog in authorizing and approving SSPs, exacerbated by one-year and partial-year extensions.

In 2014, Congress passed the Protecting and Securing Chemical Facilities from Terrorist Attack Act. It granted a four-year reauthorization to the program, ensuring a coordinated effort between government and industry to secure the nation's high-risk chemical facilities through smarter and more efficient security investments. Today, CFATS is a success story. Illustrating House Homeland Security Subcommittee Chairman John Ratcliffe's statement that, "security of high-risk chemicals is not an issue that government can solve on its own," the program has grown and strengthened as DHS and industry collaborate to keep facilities secure.

Major sectors of the American economy, including industries ranging from chemical production, distribution and storage, oil and gas refining, manufacturing, agricultural goods and services and more, are impacted by CFATS. As Chairman Ratcliffe reiterated in a hearing earlier this year, "The need for Congress and DHS to get this program right is both a national

security and economic imperative." Fortunately, getting it right is very simple: we call upon Congress to reauthorize the CFATS program prior to its January 19, 2019 expiration. This straightforward, bipartisan act will provide industry with the certainty needed to make long-term facility security investments and enable DHS to continue running the CFATS program efficiently, ensuring it properly protects against security threats at covered NACD facilities and the tens of thousands of other facilities across our nation.

We all know that our leaders in Washington face a long to-do list. There are thousands of competing priorities, each with their own implications for the people of our country. With mid-term elections right around the corner, even the most critical of issues can be undermined by distraction or political gamesmanship. I join with other industries that together help drive all aspects of our economy in reminding Congress that the clock is ticking, and a bipartisan issue like CFATS that helps ensure the security of our nation must not be lost in the political shuffle.

*Eric R. Byer is president of the National Association of Chemical Distributors, an association of more than 440 companies that provide products to over 750,000 end users in industries as diverse and essential as construction, health care, electronics, pulp and paper, water treatment and many others.*