

# CONGRESS MUST ACT TO SAVE CHEMICAL SECURITY PROGRAM

The country lost an important tool in the fight against terrorism when the **Chemical Facility Anti-Terrorism Standards (CFATS)** program was allowed to expire on July 27th, 2023. Congress **must** support national security and help protect our industry by reinstating CFATS.

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The chemical industry manufactures products that are vital to the everyday health and well-being of our nation, which is why the Department of Homeland Security (DHS) designated the chemical industry as critical infrastructure.



CFATS is the only national program that addresses chemical security specifically. While other agencies primarily regulate chemical facilities for accidents impacting communities, workers and the environment, CFATS concentrates on intentional attacks against chemical facilities.



CFATS takes a balanced and focused approach to regulating companies. The program provides flexibility for small businesses to tailor their approach to address their unique security needs and uses a tiered approach to reduce regulatory burdens.



CFATS provides valuable tools that help companies secure their facilities. Through CFATS, companies submit current and prospective worker's names to be vetted against the FBI's terrorist database. The program also helps companies tap into the knowledge at DHS to identify security vulnerabilities, including cyberthreats.



CFATS has a solid 15-year regulatory history, and the program has delivered solid results for chemical facilities, workers and communities across the country. According to a recent analysis by DHS, security measures at CFATS regulated facilities have increased by 60%. As a result, the country is more secure.

## Consequences of Losing CFATS

Each day that passes without a solution from Congress makes it harder to restart CFATS and adds to the backlog of reviews and inspections that DHS will need to address. More importantly, every day that goes by without the access to the tools that CFATS provides to companies compromises national security.

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**Terrorist Screening:** CFATS allows companies to vet personnel against the FBI's terrorist screening database to help ensure bad actors are not allowed access to chemical facilities. Now that CFATS is expired approximately 9,000 new individuals each month are not being screened against the terrorist database, according to DHS. This is especially troubling in light of recent reports that Customs and Border Protection apprehended foreign nationals from countries such as Iran and Syria have illegally entered the country via the U.S./Mexico border. Furthermore, DHS issued a threat assessment warning that terrorists are interested in using established travel routes to enter the U.S.



**Identifying and Addressing Threats:** With CFATS gone companies are no longer submitting top screens and security plans to DHS. This means companies – especially small business – no longer have the benefit of tapping into the expertise at DHS who can flag threats that are unknown to facility operators. In addition, DHS is no longer conducting on-site audits that help facilities design their security plans to address known threats.



**Regulatory Confusion:** The loss of CFATS leaves the door open for other federal agencies and state governments that are not as well equipped as DHS or focused primarily on security to step in and fill void. This could create a patchwork of confusing and potentially conflicting requirements.



**Cyber Attacks:** CFATS is the only chemical sector program that provides a framework for companies to work with DHS to identify potential cyber threats and develop security plans to address them. The recent shortage of cleaning and disinfection products as a result of a cyber-attack on a company serves as another vivid reminder of why industry and the government must work together.

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## Congress Must Help Fight Terrorism

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