



CFATS Reauthorization

Background

The Chemical Facility Anti-Terrorism Standards (CFATS) program ensures facilities that possess certain Chemicals of Interest (COI) above a certain threshold quantity have measures in place to mitigate security threats. The CFATS program expires July 2023.

Agricultural retailers and the fertilizer industry sell certain fertilizers, necessary for food production, that have been identified by the Department of Homeland Security (DHS) as having potential security risks. As such, these fertilizers are listed in CFATS Appendix A. Thousands of agricultural retailer and fertilizer industry sites are regulated by CFATS.

The CFATS program provides the industry with regulatory certainty and a cooperative relationship to prevent terrorist attacks at chemical facilities and to enhance safeguards intended to prevent threat actors from misappropriating COI.

ARA and TFI urge Congress to:

1. Maintain CFATS program focus on site security: Established in 2007, the CFATS program is the only federal program focused on site security at facilities with certain chemicals, and this must remain the program's sole purpose. ARA and TFI members are required to comply with various regulatory programs administered by other agencies (e.g.: Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA)) to ensure the safety of the communities in which they live and serve. Potential expansion of the CFATS program into areas regulated by the EPA, OSHA, the Department of Transportation, or the Bureau of Alcohol, Tobacco, Firearms & Explosives, would result in duplicative, confusing and contradictory regulatory requirements—therefore eroding the purpose of this program: to secure our nation's high-risk chemical facilities from terrorist exploitation.
2. Pass a multi-year reauthorization that maintains program focus on site security: Congress should pass a long-term reauthorization bill to provide industry with the regulatory certainty it needs to make long-term facility security investments and enable DHS to continue to efficiently run the CFATS program. The current CFATS authorization expires on July 27, 2023.
3. Recognize the agricultural supply industry's efforts of ResponsibleAg: Facility security is paramount to our members. That is why TFI, ARA, and our members created the ResponsibleAg stewardship program. ResponsibleAg is a voluntary, industry-led initiative committed to helping agribusinesses properly store and handle farm input supplies. To date, over 4,739 ag retail facilities have been audited through ResponsibleAg. Recognizing these facilities and providing some related regulatory relief will allow DHS to utilize and focus limited resources, while incentivizing other facilities to voluntarily come into compliance through stewardship programs. A "CFATS Recognition Program" would be a great "win-win" and strengthen the collaborative partnership between industry and government.
4. Confidentiality of site security information is imperative: Reauthorization legislation should not permit the disclosure of site security information to the public, or anyone who does not have a need to know or the required security clearances to obtain such information. Facilities must protect sensitive information from individuals that might pose a threat to employees or property. Sensitive and chemical-threat vulnerability information—such as security system designs, control system schematics, worst case scenario discharge data, COI records, and tactical response information for emergency personnel—could threaten national security if it falls into the wrong hands.