

Opening Statement
Chairman Paul D. Tonko
Subcommittee on Environment and Climate Change
Committee on Energy and Commerce
Hearing on “Protecting and Securing Chemical Facilities from Terrorist Attacks”
September 11, 2019

The events of September 11th transformed how we think about what it means to be safe in our communities.

America responded with a national mobilization to confront the threat of future attacks, including the establishment of programs like the one we will consider today. We learned a hard lesson that we must always be vigilant, and acknowledge that our federal government — including this Committee — plays a critical role in safeguarding the health and safety of the people working in, living near, and responding to incidents at our nation’s high-risk chemical facilities.

Thank you to our colleagues on the Homeland Security Committee for starting this process. Mr. Richmond and Chairman Thompson’s bill, H.R. 3256, the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2019, is the basis for today’s legislative hearing.

Since 2007, chemical facilities have been regulated to address risks under the Chemical Facility AntiTerrorism Standards, or CFATS program implemented by the Department of Homeland Security. CFATS is an important part of our nation’s counterterrorism efforts to secure high-risk chemical facilities.

Under CFATS, around 3,300 manufacturing, handling, and storage facilities must implement risk-based performance standards in 18 areas.

The program received its first multi-year extension in 2014, and in January of this year, Congress acted to extend the program through April 2020 and prevent a potentially dangerous lapse.

It is my hope that this Committee will once again find bipartisan agreement on a multi-year CFATS extension that can be supported by the leadership on both House committees of jurisdiction from both sides of the aisle.

Everyone here understands the importance of a multi-year extension, which would give the program a vital measure of certainty and stability.

But as Congress considers a CFATS reauthorization, we cannot afford to overlook this opportunity to reinforce what is working well and address what could be improved.

Today I expect to hear that this program generally enjoys support from chemical manufacturers, distributors, and workers at these sites, but there remain numerous ways in which it could be strengthened.

I am open to hearing suggestions, especially those that help ensure workers and local communities are being consulted and participating appropriately in the program and receiving the information they need to stay safe.

I also want to hear from our witnesses how the program can greater incentivize risk reduction, not just risk management.

Risk reduction is ultimately the best way to ensure the protection of workers and frontline communities. With that said, I am skeptical of any change that would create new security gaps by allowing for additional exemptions to the program.

We need instead to be looking more holistically at the threats facing these facilities. Without question, they are evolving, and not just from terrorism and malicious acts.

When it comes to protecting workers, first responders, and surrounding communities, safety and resilience are as important as security.

Chemical fires, explosions, and releases can have serious consequences regardless of whether an incident was an accident, a natural disaster, or an act of terrorism.

We saw in the aftermath of Hurricane Harvey in Texas that extreme weather can be just as big a threat as more traditional security concerns.

The people working at these facilities and living in nearby communities should be able to expect the same measure of protection and risk mitigation.

And I hope the appropriate agencies will work to ensure the development of industry guidance to help facilities assess their risks from extreme weather.

September 11, 2001 forever changed how our nation thinks about security. We have achieved much in the 18 years since, but we cannot rest on our heels or become stagnant in our thinking.

Threats to chemical facilities continue to evolve—from cybersecurity to extreme weather events—and the programs that guarantee the safety of workers, first responders, and frontline communities must also evolve to meet these threats.

Thank you to Mr. Wulf for appearing before the Subcommittee once again, and I also welcome our witnesses on the second panel. I look forward to today's discussion, and I yield back.