



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
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Pallone Remarks at Chemical Facilities Anti-Terrorism Standards Hearing

Washington, D.C. – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on Environment hearing on “The Chemical Facilities Anti-Terrorism Standards Program (CFATS) – A Progress Report.”*

It has been over five years since this committee held a hearing on the Department of Homeland Security’s Chemical Facility Anti-Terrorism Standards (CFATS) program. Given CFATS’ inauspicious history, I believe we should have conducted more regular oversight. The existing CFATS authorization expires in January 2019, so it is important that Congress act to continue this program. At the same time, there are well documented gaps in the current statute that Congress should address instead of simply rubber-stamping an extension of the existing program.

I have been an advocate for increased safety and security at our nation’s chemical facilities for many years, well before the CFATS program was established in 2006. My home state of New Jersey, which has a high population density, also has a large number of chemical facilities, so the consequences of insufficient security are dire.

The program shouldn’t have any gaps. And while it took the program five years to approve its first chemical facility security plan, I understand we will hear today that improvements have been made. Nevertheless, there are still shortfalls in the program that DHS cannot address without changes to the law. For example, several significant categories of facilities are exempt from the standards, such as public water systems and wastewater treatment plants. They should be added. We should also reject a suggestion from Senate Republicans that we exempt explosives manufacturers from this anti-terrorism program.

We also cannot have a conversation about chemical facilities without discussing the Trump Administration’s reckless proposal to dismantle EPA’s Risk Management Program (RMP) improvement rule. This is a common-sense update to a nearly 20-year-old risk planning and reduction policy for our nation’s chemical facilities. The rule would have improved chemical

process safety, assisted local emergency authorities in planning for and responding to accidents, and improved public awareness of chemical hazards at regulated facilities.

Unfortunately, the Administration's decision to walk away from the RMP improvement rule has widespread and harmful ramifications. Dangerous incidents at chemical facilities across the country are happening too often. Forty-six incidents have occurred at RMP facilities since Administrator Pruitt blocked the RMP improvement rule. Had the rule been in place, those facilities would have been required to prepare for or implement safety improvements to reduce the frequency and severity of these events.

The highest profile case occurred in the aftermath of Hurricane Harvey at the Arkema chemical plant in Crosby, Texas. Heavy rains flooded the facility, causing equipment to fail, triggering a chemical fire, and releasing hazardous fumes and smoke into the air. Last month, the Chemical Safety Board released an investigation report on the incident, finding that chemical facilities are wholly unprepared for extreme weather events like floods and hurricanes. Improving the resiliency of these facilities will only become more critical as the climate continues to change. More frequent flooding and powerful storms associated with unchecked climate change increase the risks to workers and vulnerable populations in and around these facilities, which too often are low-income communities and communities of color. Earlier this year, the New York Times reported that more than 2,500 sites handling toxic chemicals are located in flood-prone areas across the country. It's clear far more needs to be done to ensure chemical facilities are truly resilient to this growing threat.

I also believe we must examine federal chemical safety and security policy holistically. We cannot turn a blind eye to the Administration's actions to undermine the efficacy of EPA's RMP program. Preventing terrorism at these facilities is important, but accidents and industrial incidents due to extreme weather are far more common and they should be given due consideration by this Committee. We must ensure the safety and security of the workers, first responders and communities living near our nation's chemical facilities by being prepared on both fronts.

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