



October 3, 2023

The Honorable Charles Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Kevin McCarthy
Speaker of the House
United States House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
2433 Rayburn House Office Building
Washington, DC 20510

Dear Leader Schumer, Speaker McCarthy, Minority Leader McConnell, and Minority Leader Jeffries:

As the Chairs of the Chemical Sector Coordinating Council and the Emergency Services Sector Coordinating Council, and as Executive Director and CEO of the National Sheriffs' Association, we write you today on behalf of our critical infrastructure sectors to express our overwhelming support for the Chemical Facility Anti-Terrorism Standards (CFATS) program following its expiration on July 27, 2023. For nearly two decades, the U.S. Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA) has worked with large and small companies to develop a program recognized as the global standard for chemical security.

As you are aware, the CFATS program's primary mission is to help to reduce the risk of a terrorist attack on the highest-risk facilities by addressing a wide range of potential terrorist threats, including both physical and cyberattacks. By identifying and working with these high-risk facilities, the CFATS program ensures security measures are in place to reduce the risk of more than 300 chemicals of interest (COI) being weaponized. High-risk facilities are assigned to one of four risk-based tiers and must develop a security plan meeting the 18 risk-based performance standards (RBPS) criteria.

Of the 18 RBPS criteria, RBPS 9 – Response addresses developing and exercising an emergency plan to respond to security incidents with the assistance of local law enforcement and first responders. RBPS 9 requires that facilities are capable of responding to incidents internally and with the assistance of first responders. Building collaborative relationships with local law enforcement and responders (e.g., police, firefighters, and emergency medical services) prior to an incident helps ensure response personnel have an improved understanding of the facility's layout and hazards, maintain appropriate equipment and training to address facility hazards, and allow them to take quick and decisive action during an incident. Involving local first responders when preparing the plan and conducting drills can significantly benefit the facility. The first time that local law enforcement or responders access the facility should not be the day of an incident.

As with any regulatory program, we agree that a vital part of ensuring a regulatory program is working efficiently and effectively is to re-examine a program's operations periodically. However, by allowing the CFATS program

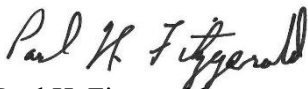
to expire, the country lost an invaluable tool in the ongoing fight against terrorism. Nearly every sector of the CFATS-regulated community has been vocal in supporting the CFATS program because it provides a solid yet flexible national approach. The loss of CFATS creates immediate risks and problems by eliminating the ability to vet personnel against terrorist watch lists, eliminating the requirement to collaborate with local emergency services, increasing exposure to cyber threats, and creating an additional regulatory burden by no longer having a DHS-approved chemical security site security plan that other U.S. regulatory agencies accept.

Additionally, the expiration of the CFATS program now opens the door for agencies with no anti-terrorism expertise to fill the void or a patchwork of state and local regulations that may vary widely in scope and effectiveness. This could result in inconsistent anti-terrorism standards across the country and undermine national security.

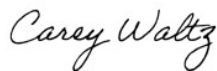
The Sector Coordinating Councils (SCC) are self-organized and self-governed councils that enable critical infrastructure owners and operators, trade associations, and other industry representatives to interact on a wide range of sector-specific strategies, policies, and activities. SCCs serve as the sector's voice for critical infrastructure security and resilience activities. The Emergency Services Sector is a community of millions of highly skilled, trained personnel and physical and cyber resources, providing a wide range of prevention, preparedness, response, and recovery services during day-to-day operations and incident response. The Chemical Sector comprises representatives from facilities that manufacture, distribute, store, use, and transport potentially dangerous chemicals. Securing said chemicals against growing and evolving threats requires vigilance from both the private and public sectors.

It is evident that the CFATS program plays a pivotal role in securing our nation's critical infrastructure and national supply chains. Additionally, the CFATS program ensures across-the-board communication and collaboration between high-risk chemical facilities and local emergency services that protect communities. For these reasons, we would like to reiterate our sectors' support for the CFATS program to ensure high-risk chemical facilities remain secure against bad actors.

Sincerely,



Paul H. Fitzgerald
Story Country Sheriff
Chair, Emergency Services Sector Coordinating Council



Carey Waltz
Director – Group Security, NA, Linde
Chair, Chemical Sector Coordinating Council



Jonathan Thompson
Executive Director and CEO
National Sheriffs' Association