

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Floor Consideration of H.R. 4007, the Chemical Facility Anti-Terrorism Standards
Program Authorization and Accountability Act of 2014
July 8, 2014

Since before the terrorist attacks of September 11, 2001, experts have been concerned about the vulnerability of chemical plants to attack. These facilities hold large stores of industrial chemicals which pose a safety and security risk to the American people if they are released or detonated. A recent report found that more than 134 million Americans live in the vulnerability zones around chemical facilities. I have such a facility in my district, which is a very serious concern for the surrounding community.

These risks have not been adequately addressed, and this bill falls short of what is needed.

The Chemical Facility Anti-Terrorism Standards program at the Department of Homeland Security has not been successful. It was set up through an appropriations rider that did not give the Department the tools it needed to succeed.

The original statute blocked effective enforcement, leading to a lack of compliance. We saw the dangers of noncompliance when the West Fertilizer Company facility in West, Texas, exploded. Unfortunately, those limitations on enforcement would be preserved by this bill.

The original statute blocked the Department from requiring measures to reduce the consequences of a terrorist attack, and in the process created serious obstacles to disapproving site security plans that failed to meet the program's standards. This led to an approval process so complicated that it took more than five years for the Department to complete its review of the first facility. This bill preserves those obstacles.

There have been significant issues with the background check requirements promulgated under the existing program, and this bill would preserve and codify some of those problems.

The President should be commended for recognizing this program's deficiencies and taking strong action to address them, including issuing an executive order on chemical safety and security last year. The working group created by that executive order has looked at how best to

secure these facilities with fresh eyes, and the Administration is now moving to revise and improve the program.

These reforms are important and necessary, but they are not reflected in this bill. Instead, this bill could limit the Department's ability to improve the program. That doesn't make sense.

In its current form, this bill is simply not adequate to provide real protections for the public. My view is that we should strengthen this bill before sending it to the Senate. If this bill passes today, we should work with the Senate to strengthen the bill and enact legislation we can all support.