

July 26, 2010

To the Members of the Senate Homeland Security and Governmental Affairs Committee:

We represent American agriculture, food processing, energy, forest products, chemistry, medicine, transportation, building materials and other businesses and local city services that make up our national infrastructure. Protecting our communities and complying with federal security standards are among our top priorities.

We understand the committee is planning to markup chemical security legislation on July 28. We urge your support and co-sponsorship of S. 2996, the "Continuing Chemical Facilities Antiterrorism Security Act of 2010," as introduced on February 4. S. 2996 is a bipartisan bill sponsored by Senators Collins, Pryor, Landrieu, and Voinovich. The bill would extend the Chemical Facility Anti-terrorism Standards (CFATS) program, which is administered by the U.S. Department of Homeland Security (DHS), through October 2015. The current CFATS program will expire in October 2010 unless reauthorized by Congress.

DHS and approximately 6,000 high-risk chemical facilities across the United States are working diligently to implement this landmark chemical security program. Thousands of facilities in communities throughout the nation have already received, or will soon be receiving, their final tiering notification letters, and they will be submitting detailed and comprehensive site security plans to DHS. Our industries and DHS continue to invest significant time, training, and resources to comply with CFATS rules. Enacting S. 2996 will give the owners and operators of chemical facilities the certainty and regulatory consistency they need to make future decisions related to economic feasibility, risk reduction, and security enhancements.

Most important, S. 2996 does not mandate government-selected security measures, such as the use or assessment of inherently safer technology (IST). IST is a process-related engineering concept, not a security one. An IST mandate is not measurable and would cause industry confusion, create prohibitive legal liability, and inhibit progress in facility security.

We strongly support S. 2996, a straightforward bill that will extend CFATS for an additional five years and help chemical facilities sustain their momentum toward full implementation and compliance. Making extensive and unnecessary changes now will only create greater economic uncertainty and lead to job losses, the elimination of certain products, and facility closures in many American communities.

Thank you for your consideration of supporting S. 2996. We would be pleased to discuss this bill and the CFATS program with you and your staff members. Thank you.

Sincerely,

Agricultural Retailers Association
American Coatings Association
American Farm Bureau Federation
American Forest & Paper Association
American Petroleum Institute
Association of Oil Pipe Lines
CropLife America
Global Cold Chain Alliance
Institute of Makers of Explosives
International Liquid Terminals Association
International Warehouse Logistics Association
National Association of Chemical Distributors
National Association of Manufacturers
National Mining Association
National Oilseed Processors Association
National Pest Management Association
National Petrochemical and Refiners Association
National Propane Gas Association
North American Millers' Association
Petroleum Marketers Association of America
The Fertilizer Institute
U.S. Chamber of Commerce

Signers (22) as of 6/28/10

Please contact Matt Koch of API (kochm@api.org) to sign this letter.