



CFATS Survey: Chemical Security Regulations Are Working

Four years ago, the Department of Homeland Security issued the Chemical Facility Anti-Terrorism Standards (CFATS) to further strengthen security at the nation's chemical facilities. A new survey of chemical facilities subject to CFATS conducted by AcuTech Consulting Group on behalf of the American Chemistry Council found that new, evolving federal chemical facility regulations are achieving measurable results and reducing risk across the nation, and determined some areas for improvement.

In the book, *The Forgotten Homeland*, Rand Beers and Richard Clarke wrote, "Smart regulation focuses on results or end-states rather than dictating how those results should be achieved." As this survey indicates, smart chemical security regulations like CFATS are working precisely because they focus on meeting clear security standards rather than the means to achieve the standards.

KEY TAKEAWAYS

- **Most facilities and companies say CFATS is working and should be extended**
- **CFATS' risk-based standards are an effective approach**
- **Companies are voluntarily surpassing federal security standards**
- **Industry initiatives and CFATS are working, but more regulatory certainty needed**
- **Though not mandated, most facilities consider alternative technologies**
- **Mandating alternative technologies could have devastating consequences**

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Most Facilities and Companies Say CFATS is Working and Should be Extended

A majority of respondents support the extension of the current CFATS legislation and generally believe it to be working. *For example, 70 percent of all respondents believed that “CFATS regulations should be extended by Congress.”* Several respondents echoed the theme in their textual comments that, “extension would bring some certainty to the process.” *By a 2-1 margin (56 percent to 29 percent), respondents asserted they believe the continuation of CFATS regulations by DHS will further help to improve the security of all CFATS-regulated chemical facilities.*

CFATS’ Risk-Based Standards are an Effective Approach

The Risk-Based Performance Standards (RBPS) represents one area of progress voiced by respondents. *More than 80 percent believe that the RBPS are at least a partially effective approach to regulation. This progressive approach set performance standards companies must achieve depending on risk and was challenging to companies to find layered approaches to security given their particular security issues and operations.*

Companies Are Voluntarily Surpassing Federal Security Standards

Numerous responders pointed out the security progress they had made not only with CFATS, but with industry-led programs and their own initiatives starting shortly after September 11, 2001. *Seventy five percent of respondents said their companies have conducted Security Vulnerability Assessments (SVA) on their facilities that were above and beyond the CFATS required SVA.* Respondents cited their reasons for doing so in response to industry-led programs and best practices, including the ACC’s Responsible Care® initiative, US Coast Guard’s MTSA requirements, corporate policies and general security best practices.

Industry Initiatives and CFATS are Working, but More Regulatory Certainty Needed

Survey takers were asked, “What part of the inspection regime implementation would you like to see modified by DHS?” *“Guidance” was the most frequently selected answer, with over 45 percent of respondents selecting that answer. Most of the other areas given as choices (RPBS, Pre-Authorization Inspection, CSAT-SSP Inspection, Consultation and Approvals) each received between 23 percent and 27 percent of the responses.*

Though Not Mandated, Most Facilities Consider Alternative Technologies

Sixty percent of respondents asserted that their companies already regularly assess possible chemical alternatives or processes to reduce the potential consequences of a security incident at a regulated facility. Those companies that already assess alternative chemicals were careful to point out that they did so for safety and environmental reasons, and that security was not necessarily a primary driver, and that these efforts continue to this day without regard to CFATS.

Mandating Alternative Technologies Could Have Devastating Consequences

Sixty-six percent of responders asserted product substitution was not technically feasible for them, while another 20 percent said it would have compromised product integrity. Another 14 percent said it would have shifted risks and created safety concerns and/or environmental concerns. Cost was also identified as a primary factor by only 10 percent. Thirty-eight percent of respondents replied that their company would not be likely to continue to operate their facility if the government mandated the use of an alternative chemical process.

View a [full copy](#) of the report.