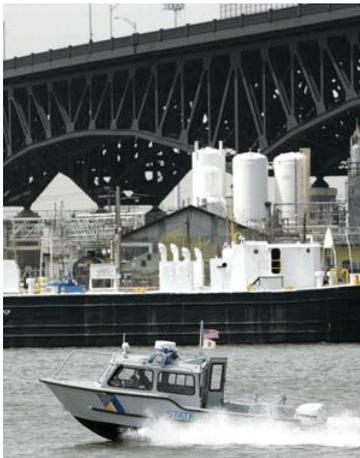


Lawmakers Knock DHS Chemical Plant Security Program

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A New Jersey state police boat passes the Kuehne Chemical facility in Kearny, N.J., in 2006. A federal effort to safeguard sensitive U.S. chemical sites against extremist strikes suffers from extensive administrative problems, potentially complicating the program's reauthorization, U.S. lawmakers said on Friday (AP Photo/Mike Derer).

WASHINGTON -- Poor management has significantly undermined a U.S. Homeland Security Department initiative to safeguard chemical manufacturing and storage sites against terrorist attacks, raising questions about the viability of legislation to extend the program beyond its October expiration, members of a U.S. House of Representatives panel said on Friday (see [GSN](#), Aug. 2, 2011).

The 5-year-old [Chemical Facility Antiterrorism Standards](#) program requires select plants that hold potentially harmful materials to meet security standards associated with one of four risk "tiers."

Personnel with the Homeland Security effort have not completed approving any of the security plans submitted by roughly 4,200 high-risk facilities to verify their compliance with the rules, House Energy and Commerce Environment and Economy Subcommittee members said in an investigative hearing.

Facilities covered by the program must submit plans for dealing with 18 areas of risk including physical protections, control of access, materials security, insider attacks and computer infiltration, Rand Beers, undersecretary for the Homeland Security Department's National Protection and Programs Directorate, said in [prepared testimony](#). The program involved 4,458 high-risk sites as of Jan. 6, he noted.

Beers said his department had originally planned to finish reviewing all plans for high-risk sites before 2011, according to a December [report](#) by Fox News.

"The industry has invested billions of dollars to upgrade security to CFATS requirements. This is beyond disappointing," said Representative Joe Barton (R-Texas), adding Beers had "totally mismanaged this program."

Representative Henry Waxman (D-Calif.) blamed program faults on a lack of congressional action since 2007 to flesh out the initiative's goals and authorities.

"The program was not established with carefully crafted legislation that defined its mission and forged a vision for its implementation," Waxman said. "It did not have adequate enforcement authority, enforceable deadlines or clear procedures for approving or disapproving site security plans."

Representative Frank Pallone (D-N.J.) said chemical facility security shortcomings could have "dire" repercussions in his state, and Representative John Dingell (D-Mich.) pointed to the potential for the release of toxic materials from a plant to cause "significant numbers of casualties and enormous hardship."

The CFATS initiative has provisionally authorized security plans for 53 sites following the completion of a departmental probe of the program late last year, David Wulf, deputy chief of the department's Infrastructure Security Compliance Division, said in sworn testimony.

Failure to complete plant security reviews was among a litany of shortcomings described by Wulf and ISCD Director Penny Anderson in the internal investigation. A summary of the findings was issued within Homeland Security in November and reported by Fox News in December.

The document, provided to committee staff one week ago, describes numerous faults stemming from insufficient preparation of program personnel; unsuitably high dependence on contracted specialists; poor accommodation of incoming staff; doubts linked to brief, incremental extensions to the initiative; and complications linked to formal task assignments and a unionized workforce, to a [panel memorandum](#).

Prior to the damning assessment, it emerged that program officials had assigned incorrect risk classifications to 600 sites in late 2009 and early 2010; 148 sites were eventually deemed to have been assigned tiers indicating an improperly high level of risk, while 99 sites were judged to pose insufficient danger to fall within the program's jurisdiction.

Program insiders deliberately chose not to report the May 2010 discovery of the errors, according to the department. More than a year passed before staff alterations prompted an internal inquiry and corrections to the risk assignments. Homeland Security informed the congressional panel of the misclassifications last July, about one month after the updates had been made.

Barton on Friday pressed Beers to resign if he could not bring the initiative's administrative problems under heel. The DHS official said the chemical program's top staff had been assigned to implement more than 100 recommendations identified by the internal probe.

The list calls for faster processing of security proposals submitted by chemical facilities, steps toward carrying out the first DHS checks to ensure security plans have been put into place, and creation of a "personnel surety" initiative aimed at hiring and retaining qualified regulators within the department, according to the committee memorandum.

“The challenges we’ve identified are not insignificant, they also are not insurmountable,” Wulf said, adding that not all of the investigation’s recommendations “will have a near-term or simple solution.”

Ranking Member Gene Green (D-Texas) suggested the subcommittee could review program developments in another hearing within months.

The findings could raise questions for plans to renew the program, now authorized under a short-term measure to continue through Oct. 4.

“We’re in a very fiscally constrained environment,” subcommittee Chairman John Shimkus (R-Ill.) said. Noting the DHS probe’s assertion that the program’s lack of a system for tracking department supplies could allow for “waste, fraud and abuse,” he asked: “How can a member of Congress choose to fund a program that is so self-described?”

The program received an initial \$22 million in fiscal 2007, and its appropriation more than doubled to \$50 million in the following budget cycle. Funding peaked at \$103 million in fiscal 2010, and has since declined to \$93 million in the current fiscal year.

A January [report](#) by the Congressional Research Service outlines numerous legislative proposals under consideration for extending the effort, including one [bill](#) that would renew it into 2018.

“For the last six years the inability to hire qualified individuals and lack of morale, I think some of that comes from having year-to-year reauthorization,” Green said at the Friday hearing.

Waxman, though, demanded updates to the bill in light of the program’s problems.

“I’m starting to realize that this committee ... reported legislation that simply rubber-stamped the current program for seven additional years,” he said. “We didn’t really know how the program was working, we didn’t give it any guidance, we didn’t do our job, and that legislation needs to be revisited in light of this new information.”

The Society for Chemical Manufacturers and Affiliates in a Friday [statement](#) called for additional legislative scrutiny of the security effort.

“We have been encouraged by the progress Congress has made toward extending the existing standards,” Bill Allmond, SOCMA vice president of government and public relations, said in provided remarks. “Unfortunately, that progress has not been matched by the Department of Homeland Security in its implementation of [the Chemical Facility Antiterrorism Program] over the past year.”