



National Association of SARA Title III
Program Officials
Concerned with the Emergency Planning and Community Right-to-Know Act

September 10, 2019

Electronically Submitted

U.S. House of Representatives
Committee on Energy & Commerce
Subcommittee on Environment and Climate Change

Re: H.R. 3256 – “Protecting and Securing Chemical Facilities from
Terrorist Attacks Act of 2019”

Dear Members and Staff:

We have reviewed H.R. 3256 with great interest and request that you support this Bill.

The National Association of SARA Title III Program Officials (NASTTPO) is made up of members and staff of State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), various federal agencies, and private industry. Members include state, tribal, or local government employees as well as private sector representatives with Emergency Planning and Community Right to Know (EPCRA) program responsibilities, such as health, occupational safety, first response, environmental, and emergency management. The membership is dedicated to working together to prepare for possible emergencies and disasters involving hazardous materials, whether they are accidental releases or a result of terrorist attacks.

The CFATS program has been of interest to us since it was created, and we have routinely interacted with DHS and the relevant field staff over the years. In the last few years we have been pleased with the increasing openness

of the program and the willingness to share at least facility identification information. Many LEPC chairs and members have even obtained confidential vulnerability information (CVI) certifications to enhance our access to critical information and assure security for the facility's information.

The reason for this is simple. A chemical release requires emergency response regardless of the cause. As the universe of facilities that are subject to the CFATS program is different than the universe of facilities covered by the Risk Management Plan regulations and the Emergency Planning and Community Right-to-Know Act, the CFATS program allows us to identify potential risks in the communities we serve that might have otherwise not been apparent.

While emergency response is important, we are equally concerned about chemical release prevention. Efforts within the facility to identify sources of potential releases and then to design their facility or modify their operations to prevent the releases are critical. Involving the employees in security planning, as this bill requires, will be very helpful in this regard as it creates awareness of the consequences of a chemical release.

It is also true that planning for potential chemical releases, regardless of cause, cannot be effectively done solely within the facility. They need the support of LEPCs and fire departments in their communities to truly examine the areas of potential releases and the consequences of those release. In many cases, the best way to accomplish this effort is through good emergency preplanning done in conjunction with local first responders and the LEPC. It is for this reason that we strongly support the provisions of the Bill that enhance information sharing with communities.

Chemical release incidents don't just happen to facilities. They happen to communities and the entire community must deal with the incident. Regardless of cause, it is the community and facility that first respond to any incident.

Communities and responders cannot prepare for incidents when they lack relevant information on the risk and possible consequences. This Bill will go a long way towards improving this situation.

Thank you.

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