

June 22, 2011

The Honorable Peter King
Chairman, Homeland Security Committee
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

The Honorable Bennie Thompson
Ranking Member, Homeland Security Committee
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman King and Ranking Member Thompson:

On behalf of our members, we are writing in support of the “Chemical Facility Anti-Terrorism Security Authorization Act of 2011” (H.R. 901). Our organizations support a straight-forward, long-term extension of the current U.S. Department of Homeland Security (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program. America’s agricultural industry has limited resources available to address all security related matters and it is very important that those resources are spent wisely to coincide with the appropriate level of risk for each particular facility and chemical of interest (COI).

We remain committed to the implementation of security measures at facilities designated by DHS as “high-risk” under the CFATS program. Our members have worked closely with DHS the past four years to implement the CFATS program in an efficient and reasonable manner. We urge Committee members to oppose the inclusion of the following controversial amendments that may be considered during today’s mark-up:

Inherently Safer Technology (IST): We oppose any federal requirement to use inherently safer technology (IST). IST is not a security issue as it relates more to process safety decisions that are better left to safety experts that help manage these facilities. If an IST requirement is put in place for the nation’s agricultural industry it could jeopardize the availability of lower-cost sources of fertilizers or certain agricultural pesticides used by farmers and ranchers. Agricultural businesses and their farm and ranch customers will likely face increased operating costs due to higher fuel, fertilizer and transportation prices as a result of an IST requirement. The industry cannot afford the loss of effective and essential crop input products, new expensive federal mandates or any increased liability. Please oppose any IST related amendments to H.R. 901.

Third-Party Lawsuits and Information Protection: DHS’s long-standing position is for their agency to be solely responsible for enforcing the CFATS rules. State, localities or third party litigants such as non-governmental organizations (NGOs) should NOT have the ability to bring suit to enforce any of the DHS chemical security provisions. Please oppose any amendments that will allow for citizen suits / third-party lawsuits against the chemical facility or DHS or weaken current CFATS information protection provisions.

Thank you for your review and consideration of this request to support H.R. 901 and approve its passage out of Committee. We look forward to working with you on securing enactment of this important legislation.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
Chemical Producers & Distributors Association
CropLife America
National Agricultural Aviation Association

National Cattlemen’s Beef Association
National Corn Growers Association
National Council of Farmer Cooperatives
The Fertilizer Institute
USA Rice Federation