



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

March 2, 2021

Secretary Alejandro Mayorkas  
U.S. Department of Homeland Security  
300 7th St, SW  
Washington, D.C. 20528

**The BlueGreen Alliance urges withdrawal of a proposed rule regarding the Chemical Facility Anti-Terrorism Standards (Docket No. CISA-2020-0014)**

Dear Secretary Mayorkas,

On January 6, 2020, the Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA) posted a proposed rule in the [Federal Register](#) that would remove 49 explosive chemicals from Appendix A of the Chemical Facility Anti-Terrorism Standard (CFATS). CISA explains that the intent of their proposal is to reduce the regulatory and compliance burden because these explosives are also covered under the regulations administered by the Bureau of Alcohol, Tobacco, and Firearms (ATF). Weakening CFATS in this way may decrease regulation but it will increase the risk of deadly chemical disasters such as the Goodyear Tire and Rubber Plant ammonia explosion in 2008, or the ammonium nitrate explosion in 2013 in West, Texas, which claimed the lives of 15 people.

At present, covered chemical facilities must report on their inventory of explosive chemicals in the survey that is used by CISA to gauge the level of risk and the actions that must be taken to mitigate that risk. Eliminating the reporting requirement will make CISA blind to an important risk factor that must be considered in determining how to best protect workers and surrounding communities.

In 2020, the Chemical Safety Board investigated chemical releases, fires, and explosions in Belle, WV, Charleston, TN, Canton, NC, Conyers, GA, Lake Charles, LA, Burleson County, TX, and Houston TX. Nine workers were killed, poisonous gases and smoke were released into communities, and structures were destroyed. Keeping the 49 explosive chemicals on Appendix A of CFATS is an acknowledgement of their potential to harm, and the need for vigilant safety protocols. The BlueGreen Alliance asks that the

proposed rule be withdrawn to better protect workers and the communities outside the fence line of chemical facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Walsh', with a stylized flourish at the end.

Jason Walsh  
Executive Director  
BlueGreen Alliance

cc: Brandon Wales, Acting Director of Cybersecurity and Infrastructure Security Agency (CISA)