

AAU Association of American Universities
COGR Council on Governmental Relations

October 17, 2014

U.S. Department of Homeland Security
National Protection and Programs Directorate
Office of Infrastructure Protection
Infrastructure Security Compliance Division
245 Murray Lane, Mail Stop 0610
Arlington, VA 20528-0610

SUBJECT: Chemical Facility Anti-Terrorism Standards, Federal Register Notice issued August 18, 2014

The Council on Governmental Relations (COGR) is an association of 190 research universities and their affiliated academic medical centers and research institutes. COGR concerns itself with the influence of federal regulations, policies, and practices on the performance of research conducted at its member institutions. The Association of American Universities (AAU) represents 60 leading public and private U.S. research institutions. AAU focuses on issues important to research intensive universities, such as funding for research, research policy issues, and graduate education.

We and our members appreciate the opportunity that the Department of Homeland Security (DHS) has offered to provide comment on existing Chemical Facility Anti-Terrorism Standards (CFATS) via the *Federal Register* Notice published on August 18, 2014. As you have duly noted in the past that a “one-size-fits-all approach may not be optimal for such a diverse regulated community”, we ask that you reconsider exempting research and teaching laboratories with similar chemical use patterns at non-commercial, non-profit research organizations, and institutes from the CFATS. This exemption should also include laboratories in a variety of settings including universities, colleges, research-oriented hospitals and academic medical center laboratories, and independent research institutes. Because limited quantities of these chemicals are dispersed in various laboratories in different buildings and often multiple campuses of the same organization, the risk and possibility that these chemicals could be stolen in the masses required to produce a national security threat are low. While we recognize DHS’ objective to prevent theft, diversion, attack or malicious release, and to preserve and protect our national security there have been no incidents since the CFATS final rule was imposed in 2007.

We strongly recommend again that the DHS limit the applicability and add to §27.110(b) of CFATS an exemption for non-production research laboratories and other similar use facilities as indicated above recognizing that research laboratories and similar use facilities currently enforce stringent security, safety and emergency safeguards and regulations to protect its citizens and the public in general.

The Campus Safety, Health and Environmental Management Association (CSHEMA), representing the environmental health and safety professionals at more than 4,000 colleges and universities, and the University of Alabama, a COGR member and CFATS-regulated institution, have submitted comments in

response to the DHS request. We recommend the more detailed comments provided by these professional concerning a number of the challenges with CFATS compliance including for example maintaining the inventories required by CFATS and defining the perimeters of restricted areas facilities and related security controls.

While we are always concerned with the impact of compliance and regulatory burden, we are also cognizant of the importance of the CFATS regulation to regulate the security of high risk chemical facilities where masses of chemicals stored may impose significant threats to our national security. We appreciate the opportunity to provide feedback on recommendations for program modifications.

Sincerely,



Anthony P. DeCrappeo
President
COGR



Hunter R. Rawlings
President
AAU