

GAO Highlights

Highlights of [GAO-17-502](#), a report to congressional committees

Why GAO Did This Study

Facilities that produce, use, or store hazardous chemicals could be of interest to terrorists intent on using them to inflict mass casualties in the United States. DHS established the CFATS program to, among other things, identify and assess the security risk posed by chemical facilities. DHS places high-risk facilities into one of four risk-based tiers and inspects them to ensure compliance with DHS standards. The CFATS Act of 2014 created the Expedited Approval Program as an option for the two lower-risk tier facilities (tiers 3 and 4) to reduce the burden and expedite the processing of security plans. The act further required that DHS report on its evaluation of the expedited program to Congress.

The CFATS Act of 2014 also included a provision for GAO to assess the expedited program. This report discusses (1) DHS's implementation of the expedited program and its report to Congress and (2) the number of facilities that have used the program and factors affecting participation in it. GAO reviewed laws and DHS guidance, analyzed DHS's report to Congress, and interviewed DHS officials. GAO also received input from officials with three industry groups that represented the most likely candidates to use the program, and officials representing eight of their member organizations. The results of this input are not generalizable, but provide insights about the expedited program.

GAO is not making recommendations in this report.

View [GAO-17-502](#). For more information, contact Chris Currie at (404) 679-1875 or CurrieC@gao.gov.

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CRITICAL INFRASTRUCTURE PROTECTION

DHS Has Fully Implemented Its Chemical Security Expedited Approval Program, and Participation to Date Has Been Limited

What GAO Found

The Department of Homeland Security (DHS) fully implemented the Chemical Facility Anti-Terrorism Standards (CFATS) Expedited Approval Program in June 2015 and reported to Congress on the program in August 2016, as required by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (CFATS Act of 2014). DHS's expedited program guidance identifies specific security measures that eligible (i.e., tiers 3 and 4) high-risk facilities can use to develop expedited security plans, rather than developing standard (non-expedited) security plans. Standard plans provide more flexibility in securing a facility, but are also more time-consuming to process. DHS's report to Congress on the expedited program discussed all required elements. For example, DHS was required to assess the impact of the expedited program on facility security. DHS reported that it was difficult to assess the impact of the program on security because only one facility had used it at the time of the report. DHS officials stated that they would further evaluate the impact of the program on security if enough additional facilities use it in the future.

As of April 2017, only 2 of the 2,496 eligible facilities opted to use the Expedited Approval Program; various factors affected participation. Officials from the two facilities told GAO they used the program because its prescriptive nature helped them quickly determine what they needed to do to implement required security measures and reduced the time and cost to prepare and submit their security plans to DHS. According to DHS and industry officials GAO interviewed, low participation to date could be due to several factors:

- DHS implemented the expedited program after most eligible facilities already submitted standard (non-expedited) security plans to DHS;
- the expedited program's security measures may be too strict and prescriptive, not providing facilities the flexibility of the standard process; and
- DHS conducts in-person authorization inspections to confirm that security plans address risks under the standard process, but does not conduct them under the expedited program. DHS officials noted that some facilities may prefer having this inspection because it provides them useful information.

Recent changes in the CFATS program could also affect future use of the expedited program. In fall 2016, DHS updated its online tool for gathering data from facilities. Officials at DHS and 5 of the 11 industry organizations GAO contacted stated that the revised tool is more user-friendly and less burdensome than the previous one; however, it is unclear how the new tool might affect future use of the expedited program. Also, in fall 2016, DHS revised its methodology for determining the level of facility risk, and one of the two facilities that participated in the expedited program is no longer deemed high risk. DHS is continuing to apply the methodology to other facilities regulated under the CFATS program; therefore, it is too early to assess the impact on participation.