



# The Fertilizer Institute

Nourish, Replenish, Grow

## MEMORANDUM

**TO:** TFI Voting Representatives  
**FROM:** Ford West  
**SUBJECT:** Chemical Security Legislation Moves Forward  
**DATE:** September 26, 2006

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Last night, members of a House of Representatives and Senate conference committee approved a conference report that paves the way for the first-ever congressionally mandated chemical facility security program. The chemical security provision is part of a \$34.8 billion fiscal 2007 Homeland Security appropriations bill.

The compromise legislation would provide the Department of Homeland Security (DHS) with the authority to develop risk-based performance standards for the security of our nation's chemical facilities that present high levels of risk. The legislation requires DHS to develop regulations which will allow facilities to select layered security measures that address vulnerabilities. The provision would allow DHS to audit compliance and shut down facilities which fail to adequately mitigate risks defined in security vulnerability assessments. As written, the legislation and subsequent regulations would expire three years from the date of enactment.

While the bill provides a strict exemption for facilities regulated under the Maritime Transportation Security Act of 2002, it also states that DHS may approve alternative security programs from states or private entities, such as the Agribusiness Security Working Group's Security Vulnerability Assessment (SVA). Of note, the bill does not include Inherently Safer Technology (IST) provisions. The Fertilizer Institute (TFI) and its allies won a hard-fought battle on this point.

It's also important to note what is not contained in the bill. While we worked to attach the "Secure Handling of Ammonium Nitrate Act" to the bill, ammonium nitrate language was not a part of the final compromise language. We continue to seek other avenues to bring this act to the chambers' floors before the congressional recess.

Congress has indicated its intent to bring the bill to the floor for an up or down vote in both chambers this week, with hopes of placing the bill on President George W. Bush's desk prior to the scheduled congressional recess at the end of this week. We will provide you with an update as events warrant. In the meantime, please contact me or TFI Director of Government Relations Kris Ballweg by telephone at (202) 515-2701 or via e-mail at [kballweg@tfi.org](mailto:kballweg@tfi.org) with any questions regarding TFI's activities on chemical security legislation.