

Congress of the United States

Washington, DC 20515

June 21, 2007

The Honorable Michael Chertoff
Secretary of Homeland Security
Washington, D.C. 20528

Dear Mr. Secretary:

As the Department of Homeland Security prepares to issue the final rule for the Chemical Facility Anti-Terrorism Standards (CFATS), we would like to inquire about the rationale for the inclusion of propane in Appendix A, which contained a proposed list of chemical substances to be regulated and corresponding threshold levels.

Facilities that store chemicals in excess of its proposed threshold as specified in Appendix A would need to complete a Top Screen analysis to determine whether the facility presents a high level of security risk. Under Appendix A, the threshold level for propane is 7500 pounds (1785 gallons). There are an estimated 8,000 retail propane storage facilities in the United States that would meet this threshold. In addition, approximately 136,000 end use customers such as campgrounds and trailer parks, farms, homeowners, small businesses, construction sites, large retailers, nursing homes and hospitals would be required to complete a Top Screen analysis under this threshold.

It is possible that this regulation would create incentives for end use customers to request that their storage levels remain below the threshold, which could result in increased deliveries of smaller quantities. This could increase security risk because transfer operations, transportation, and stationary storage each present a certain level of risk.

We respectfully request a response explaining the Department of Homeland Security's decision to include propane in Appendix A of the Chemical Facility Anti-Terrorism Standards. Thank you for your consideration of this request.

Sincerely,


J. Randy Forbes
Member of Congress


Eric Cantor
Member of Congress