



JUNE 21, 2006

ALERT

LEGISLATION: REGULATING CHEMICAL PLANT SECURITY AND TRACKING AMMONIUM NITRATES

The Senate Homeland Security and Governmental Affairs Committee approved the Chemical Facility Anti-Terrorism Act (S. 2145), a bill to put the Department of Homeland Security (DHS) in charge of regulating chemical plant security. The bill would allow states to continue to set stricter standards. DHS would be responsible for rules designating which chemical facilities would be regulated. DHS would assign plants to risk-based tiers and establish performance-based security standards for each tier. Regulated chemical plants would be required to submit vulnerability assessments, security plans, and emergency response plans for possible terrorist incidents. A companion bill, H.R. 4999, has been introduced in the House of Representatives.

The Senate Committee also approved an amendment to require the tracking of ammonium nitrate, an agricultural fertilizer sometimes used in the making of explosives. The House Committee on Homeland Security had already approved a bill (H.R. 3197) with similar provisions to allow DHS to regulate the storage, sale, and distribution of ammonium nitrate. Chemical plants would be required to maintain records for at least three years of any sale of ammonium nitrate. Anyone who produces, stores, sells or distributes ammonium nitrate would be required to be registered. Under the House legislation, DHS would determine whether fertilizer blends containing ammonium nitrate would be subject to the regulations. Ammonium nitrate producers and sellers who handle the material only for explosives purposes could be exempt because they are regulated by the Bureau of Alcohol, Tobacco and Firearms.

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