



February 25, 2021

Mr. Brandon Wales  
Acting Director, Cybersecurity and Infrastructure Security Agency  
U.S. Department of Homeland Security  
245 Murray Lane  
Washington, D.C. 20528

**Re: Docket No. CISA-2020-0014**

Dear Acting Director Wales:

On behalf of Owen Oil Tools, I am writing to support this Advanced Notice of Proposed Rulemaking (ANPRM) and urge you to move forward with the solutions outlined without delay. As Director, Compliance Services of Owen Oil Tools, I am acutely aware of the burden the Chemical Facility Anti-Terrorism Standards (CFATS) program places on the commercial explosives industry and the absence of any data indicating the program has made the 49 chemicals identified in this ANPRM more secure.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has overseen the manufacture, sale, possession and use of all commercial explosives since 1970. The CFATS program's additional oversight of these 49 chemicals represents clear-cut regulatory duplication. Based on data from the U.S. Bomb Data Center's (USBDC) annual Explosive Incident Report, thefts of explosives have seen a steady decrease over the last 30 years due to ATF regulation and industry best practices. Since the beginning of the CFATS program in 2007, that historical rate of decline has not seen a significant change. The CFATS program plays a pivotal role in securing previously unregulated chemicals. However, according to all available government data, no benefit is seen when stacked on top of preexisting ATF regulations.

On January 21, 2021, the Government Accountability Office (GAO) released a study reviewing the CFATS program and its overlap with other chemical security programs<sup>1</sup>. The study found that most CFATS Risk-Based Performance Standards directly overlap with ATF regulatory requirements for commercial explosives. Owen Oil Tools strongly supports all government efforts to bolster explosive security; however, directly overlapping regulation without commensurate benefit does not fulfill that goal.

The removal of these chemicals from CFATS' Appendix A is both an exercise in regulatory rightsizing and good government. This ANPRM should move forward with haste to free up government and industry resources towards efforts that show tangible impacts on national security.

Respectfully Submitted,

Debbie Payne  
Director, Compliance Services

<sup>1</sup> GAO-21-12 <https://www.gao.gov/products/GAO-21-12>