

## **Chemical Facility Safety and Security Working Group Charter**

### **Article I - Official Designation**

This organization shall be known as the Chemical Facility Safety and Security Working Group hereinafter referred to as "Working Group." The Working Group shall consist of a National Working Group supported by Regional Working Groups as described below.

### **Article II - Mission and Purpose**

The Working Group coordinates strategies, activities, policies, and communications across governmental entities in order to address safety and security of chemical facilities as well as reduce risks associated with hazardous chemicals to owners and operators, workers, communities, and first responders. The National Working Group also ensures that parallel Regional Working Groups are set up to accomplish the overall objectives in each Region.

### **Background**

The Working Group was initially established as a response to several catastrophic chemical facility incidents in the United States in accordance with Executive Order (EO) 13650 "Improving Chemical Facility Safety and Security" issued on August 1, 2013.

The Federal Interagency Working Group was led by the Assistant Secretary of Homeland Security for the Office of Infrastructure Protection (DHS); Assistant Secretary of Labor for the Occupational Safety and Health Administration (OSHA); and the Assistant Administrator of the Environmental Protection Agency's (EPA) Office of Land and Emergency Management, in coordination with the Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Transportation (DOT), and the Department of Agriculture (USDA).

The workgroup completed the work in the EO which led to the development of a Federal Action Plan that was recorded in the May 2014 Report for the President, *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment*. The action plan was developed from analysis of the current operating environment, existing regulatory programs, and stakeholder feedback and included five thematic areas:

- Strengthening community planning and preparedness;
- Enhancing Federal operation coordination;
- Improving data management;
- Modernizing policies and regulations; and
- Incorporating stakeholder feedback and developing best practices.

The majority of the action plan work was completed at the end of 2016. The Agencies found great value in the Working Group and signed a three-year charter in November, 2018 to continue the important Chemical Facility Safety and Security efforts and coordination.

### **Article III - Objectives and Scope of Activity**

The Working Group coordinates strategies, activities, policies, and communications across governmental entities and continues to conduct activities such as:

- Sharing information with first responders to enhance their ability to safely and effectively plan for and respond to incidents in their jurisdiction.
- Developing tools, trainings, and resources to strengthen State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), Tribal Emergency Planning Committees (TEPCs), and Tribal Emergency Response Commissions (TERCs).
- Coordinating with Agencies beyond DHS, EPA, OSHA, and the DOJ, such as the DOT and the Chemical Safety Board (CSB), as appropriate, to address issues related to incidents involving hazardous materials and to help mitigate the effects these incidents have on workers and communities through information sharing and preparedness.
- Coordinating information sharing across the interagency community and with state, local, tribal, territorial and private sector partners.
- Leveraging limited resources across all levels of government by conducting training to raise awareness of other chemical safety and security programs.
- Reviewing policies and regulations associated with chemical facility safety and security to minimize conflicts and overlap.
- Issuing guidance documents and chemical safety alerts to educate stakeholders on the best practices for compliance, storage, and handling.
- Maintaining a public website dedicated to sharing information on chemical safety and security and tracking progress on working group activities.

Activities undertaken or assigned pursuant to this charter do not supersede, replace, or limit the individual authorities or responsibilities of Working Group members.

This agreement is an internal Government agreement and is not intended to confer any right upon any private person.

This agreement does not itself authorize the expenditure or reimbursement of any funds. Nothing in this agreement obligates the parties to expend appropriations or enter into any contract or other obligations.

This agreement will be executed in full compliance with all applicable laws, including the Privacy Act of 1974, the Freedom of Information Act, and the Federal Records Act.

## **Article IV- Membership, Roles, and Responsibilities**

### ***Membership***

The National Working Group shall consist of representatives from the following Agencies:

- Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA)
- Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
- Environmental Protection Agency (EPA), Office of Land and Emergency Management (OLEM)

Additional representatives include but are not limited to:

- Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
- Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)
- Department of Agriculture (USDA)

### ***Roles and Responsibilities***

#### **National Working Group (National Office/Headquarters)**

- Will meet monthly, or as appropriate, to oversee the execution of actions related to improving chemical facility safety and security.
- Designate and oversee Regional Working Groups, including in those groups representatives of all Federal Agencies that play a role in regulating chemical safety and/or security.
- Ensure the Regional Standard Operating Procedures (SOPs) are maintained and implemented as necessary.
- Leverage the support of the National Response Teams and national Government Coordinating Councils/Sector Coordinating Councils, as required, to ensure the effective execution of chemical facility security and safety-related activities.

#### **Regional Working Groups**

- Oversee field-level management and execution of duties related to the National Working Group and ensure regional consistency in operations and reporting.
- Establish and manage a regional coordinating committee that includes representatives from all relevant Federal Agencies.
- Maintain awareness of chemical facilities in their area of responsibility.
- Manage and track cross-regional Regional Working Group activities.
- Assign, manage, and track Regional Working Group tasks performed by regional personnel.

- Coordinate and execute related tactical-level assignments.
- Update the National Working Group, and the Regional Response Teams, as appropriate. Coordinate with SERCs, TERCs, LEPCs, TEPCs, State homeland security advisors, State fire marshals, and other State Agencies as required.
- Implement and maintain regional SOPs to define roles and responsibilities, operations, and coordinating structures.
- Coordinate and execute inspections and outreach planning, as appropriate.
- Cross-train Federal inspectors on basics of other Agencies' programs and institute protocols, as appropriate.

#### **Article V - Governance**

Representatives from DHS, OSHA, and EPA shall agree to fully participate and share responsibility for administration and objectives. Working Group Members will make decisions through a consultative process, encourage the exchange of information and points of view, and strive for consensus. Representatives will endeavor to meet timelines and deliverables set by the group. All Agencies participating on this Working Group will be responsible for their own costs.

#### **Article VI - Recordkeeping**

The procedures for the handling, storage, and disposition of Working Group records and other documentation are in accordance with Federal Records Management policy, as well as directives and guidelines for the respective Agencies involved.

#### **Article VII - Communications**

The Working Group will ensure a communication mechanism exists for sharing information among Working Group members, and to share information with appropriate counterparts, as applicable.

#### **Article VIII - Working Groups and Special Committees**

Subcommittees and working groups are established, when needed, if substantial investigation, research, or other tasks are required which cannot be practicably achieved at regular Working Group sessions. All products of the Subcommittees and working groups are meant to advise Working Group Members on various issues and processes. Through their primary or alternate Representatives, each Member Agency may designate individuals to serve or act as Working Group leads.

Regional working groups are self-governed and are expected to coordinate and collaborate at the regional level to create products or activities that best fit their needs. The Regional Working Group(s) shall advise and inform the National Working group, as necessary.

#### **Article IX - Amendments**

The Working Group may at any time amend this Charter by a consensus of the membership.

**Article X - Duration**

This Charter shall be in effect for 36 months from the date of signing, which duration may be modified through the amendments process. If amended, the Charter shall be in effect from 36 months after the amendment is approved.

**Article XI - Approval**

The Working Group approved this Charter according to Working Group procedures, as attested to by the following signature authorities:

James S. Frederick

Digitally signed by James S. Frederick  
Date: 2022.02.23 09:52:26 -05'00'

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Signature

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Date

James Frederick  
Deputy Assistant Secretary of Labor  
for Occupational Safety and Health Administration

BRIAN DAVID A  
MUSSINGTON

Digitally signed by BRIAN DAVID A MUSSINGTON  
Date: 2022.03.09 07:56:37 -05'00'

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Signature

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Date

Dr. David Mussington  
Executive Assistant Director for Infrastructure Security  
Cybersecurity and Infrastructure Security Agency  
Department of Homeland Security

BARRY BREEN

Digitally signed by BARRY BREEN  
Date: 2022.02.24 21:11:57 -05'00'

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Signature

\_\_\_\_\_  
Date

Barry N. Breen  
Acting Assistant Administrator  
Office of Land and Emergency Management  
Environmental Protection Agency

