

December 1, 2011

Via Electronic Delivery at <http://www.regulations.gov>

U.S. Department of Homeland Security  
National Protection and Programs Directorate  
Infrastructure Security Compliance Division (NPPD/ISCD)  
245 Murray Lane, S.W., Mail Stop 0610  
Arlington, VA 20598-0601



RE: Docket No. 2008-0076, Ammonium Nitrate Security Program

Dear Sir or Madam:

The North Central Florida Local Emergency Planning Committee (Florida District 3 LEPC) recently discussed the proposed Ammonium Nitrate (AN) Security Program. The LEPC works with fertilizer purchasers, sellers and one manufacturer to help accomplish our mission of increasing public safety from both accidental and deliberate chemical releases. The LEPC covers 11 counties and 7,000 square miles of predominately rural, agricultural intensive, North Central Florida.

The LEPC concluded that greater security can be achieved through supporting existing local, regional and state efforts rather than the creation of a complex and expensive federal registration program to check if an estimated 75,000 farmers are contained in the Federal Terrorist Screening Database. We also believe the issue of concentration thresholds for blends needs further review.

The LEPC is actively involved in public safety planning with anhydrous ammonia users, sellers, and one processor which are regulated under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA). In partnership with local fire departments and county emergency management agencies, we conduct on-site hazards analyses. In general, many farmers have difficulty keeping their EPCRA registration status up to date with the State Emergency Response Commission. On-site visits greatly enhance the process of updating the required registration of this extremely hazardous substance. The EPCRA paperwork is vastly simpler than what appears to be required under the propose rule.

Based upon our experiences working with farmers and the EPCRA chemical registration process, the LEPC believes that the estimated amount of time that AN Purchasers would spend on the registration process is greatly underestimated in the Federal Register presented methodology. We are concerned that the estimated cost to the public of \$300 million to \$1.041 billion over ten years is a low estimate. It was concluded that greater security can be achieved with local, regional and state coordination with the current voluntary program than through the creation of a complex federal system looking for farmers listed in the Federal Terrorist Screening Database.

During site visits conducted at fertilizer sellers, we have had the opportunity to discuss existing AN security efforts. We believe that the voluntary "know-your-customer" program is working well. The existing network of local and state law enforcement working with critical facilities has the ability to respond to a suspicious purchase attempt from someone who may not be registered in the Federal Terrorist Screening Database. In Florida, the Regional Domestic Security Task Forces need to continue to be a cornerstone for public safety preparedness against terrorism.

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Secondly, the group had concerns with the inclusion of AN blends that may not be at a sufficient concentration to be used as an explosive. We believe the issue of concentration thresholds for blends needs further review.

In conclusion, we strongly encourage DHS to support the existing voluntary "know your customer" security program that has proven effective at preventing the sale of AN to terrorists and is not an expensive burden on our farmers. Our overall conclusion is that greater security can be achieved with local, regional and state coordination with the current voluntary program than through the creation of a complex federal system looking for farmers listed in the Federal Terrorist Screening Database.

Thank you for your consideration of our comments on the proposed AN Security Program. If you have any questions regarding this matter, do not hesitate to contact me at [mundy@ncfrpc.org](mailto:mundy@ncfrpc.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Dwayne Mundy", with a long horizontal flourish extending to the right.

Dwayne Mundy, Director  
Public Safety and Regulatory Compliance  
North Central Florida Local Emergency Planning Committee  
2009 NW 67 Place  
Gainesville, Florida 32653

Xc: Ron Mills, LEPC Chair  
Bryan Koon, Alternate SERC Chair