

**International Chemical Workers Union Council/UFCW -- Sierra Club  
United Steelworkers (USW) -- Physicians for Social Responsibility  
American Federation of State, County and Municipal Employees (AFSCME)  
OMB Watch -- Greenpeace -- New Jersey Work Environment Council  
U.S. Public Interest Research Group -- Environmental Health Fund  
Advocates for Environmental Human Rights -- American Association on  
Intellectual and Developmental Disabilities -- Clean New York  
Environment America -- Clean Water Action -- Connecticut Coalition for  
Environmental Justice -- Empire State Consumer Project -- Ecology Center  
Healthy Building Network -- Environmental Health Strategy Center  
Healthy Schools Network -- Environmental Justice Action Group of WNY  
Kentucky Environmental Foundation -- Mossville Environmental Action  
Now -- Natural Resources Council of Maine -- Sciencecorps -- Silicon Valley  
Toxics Coalition -- US Campaign for Justice in Bhopal -- Friends of the  
Earth -- Commonweal -- Deep South Center for Environmental Justice  
National Refinery Reform Campaign -- National Bucket Brigade Coalition  
Center for International Environmental Law -- Environmental Working  
Group -- Institute for Children's Environmental Health**

October 10, 2008

Dear Senator;

U.S. chemical plants remain one of the sectors of America's infrastructure most vulnerable to terrorist attacks. The Department of Homeland Security (DHS) has identified approximately 7,000 high-risk U.S. chemical facilities. However, the failure of the 110<sup>th</sup> Congress to replace the flawed temporary law with a comprehensive chemical security statute continues to leave millions of Americans in danger of unnecessary risk.

In 2006 Congress passed a temporary statute that authorized "interim" regulations that are inadequate to protect at-risk communities. Furthermore these rules expire on October 4, 2009 leaving the 111<sup>th</sup> Congress only nine months to enact truly protective legislation. Congress must prioritize comprehensive legislation for passage as soon as possible before the temporary law expires.

Among the fatal flaws in the "interim" statute:

--- It prohibits the DHS from requiring the most ironclad security measures. DHS cannot require any specific "security measure," including the use of safer and more secure chemical processes that can eliminate catastrophic hazards posed by poison gas, even when cost-effective alternatives are readily available.

--- It explicitly exempts thousands of chemical facilities, including approximately 2,800 water treatment facilities, some of which put major cities at risk.

--- It fails to involve plant employees in the development of vulnerability assessments and security plans or protect employees from excessive background checks.

In March the House Homeland Security Committee adopted the "Chemical Facility Anti-

Terrorism Act of 2008” (H.R. 5577) in a bipartisan vote. H.R. 5577 addresses many of the flaws in the interim law. However, the chemical manufacturers lobby opposed it and favors making the interim law permanent. A jurisdictional dispute over whether the DHS or the Environmental Protection Agency (EPA) should be the lead agency regulating chemical facilities also helped derail legislation in 2008.

The price of failure could be staggering. According to a 2008 Congressional Research Service review of EPA data, 100 U.S. chemical plants each put 1 million or more people at risk. In 2004 the Homeland Security Council projected that an attack on a chemical facility would kill 17,500 people, seriously injure 10,000 people and send an additional 100,000 people to the hospital.

The good news is that most of these hazards are preventable. Since 2001 more than 220 chemical facilities have switched to safer and more secure chemicals or processes which have eliminated risks to millions of people. Safer technologies are used in a wide variety of facilities including, water treatment plants, power plants, oil refineries and other manufacturers. Many facilities, however, have yet to adopt safer technologies. More than seven years after the 9/11 attacks we need chemical security standards that put all high-risk facilities on an even playing field.

To that end, Congress should pass, and the President should sign, a chemical security bill that at a minimum:

- 1) Reduces the consequence of an attack through the use of safer and more secure chemicals and processes
- 2) Includes all categories of facilities such as water treatment plants
- 3) Involves plant employees in developing plant security programs and gives employees protection from excessive background checks
- 4) Ensures equal enforcement for chemical facilities and accountability for government
- 5) Allows states to set more protective security standards
- 6) Requires collaboration between the DHS, EPA and other agencies to avoid regulatory redundancy, inconsistency or gaps in supply chain security.

In the face of potentially ruinous liability from a catastrophic chemical release some business leaders agree. In February, the Association of American Railroads said, *“It’s time for the big chemical companies to do their part to help protect America. They should stop manufacturing dangerous chemicals when safer substitutes are available. And if they won’t do it, Congress should do it for them...”*

We look forward to working with you on this critical legislation.

Sincerely,

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