

**International Chemical Workers Union Council/UFCW – Sierra Club  
United Steelworkers (USW) – International Brotherhood of Teamsters – United Automobile  
Aerospace and Agricultural Implement Workers of America (UAW) – American Federation  
of State, County and Municipal Employees (AFSCME) – Communications Workers of  
America (CWA) – Physicians for Social Responsibility – OMB Watch – Greenpeace – NJ  
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 – Citizens' Environmental Coalition – Michigan  
Environmental Council – Mossville Environmental Action Now – Service Employees  
International Union (SEIU) – 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  
International – Association of Fire Fighters (IAFF) – Detroiters Working for Environmental  
Justice – Green Harvest Technologies – Alliance@IBM – Environmental Defense Fund  
Maryland Pesticide Network – Beyond Pesticides – Strategic Counsel on Corporate  
Accountability – Natural Resources Defense Council – Maine People's Alliance**

April 14, 2009

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, unless Congress replaces a flawed temporary law with a comprehensive chemical security program, millions of Americans will remain at risk.

The statute Congress passed in 2006 temporarily authorized "interim" regulations that are wholly inadequate to protect communities. Furthermore these rules expire on October 4, 2009 leaving the 111th Congress only six months to enact truly protective legislation. Congress must pass comprehensive legislation 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 2,650 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 2008 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.

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 more 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. Cost effective 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.

**President Obama raised this issue in his campaign and was a leader on chemical security in the Senate. In a March 2006 floor statement, he said, "...there are other ways to reduce risk that need to be part of the equation. Specifically, by employing safer technologies, we can reduce the attractiveness of chemical plants as a target...Each one of these methods reduces the danger that chemical plants pose to our communities and makes them less appealing targets for terrorists."**

To that end, Congress should pass, and the President should sign, chemical security legislation 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 2008, 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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