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**TO: U.S. Department of Homeland Security**  
**FROM: Rick Hind, Greenpeace (202) 319-2445 [rick.hind@greenpeace.org](mailto:rick.hind@greenpeace.org)**  
**DATE: June 21, 2010**  
**SUBJECT: Site Inspection of Kuehne Chemical Co. South Kearny, NJ**

**FINDING: FAILURE TO PREVENT CATASTROPHIC RISKS**

Attached please find the results of Greenpeace's May 13, 2010 citizen's inspection of the Kuehne Chemical Company's South Kearny facility. We observed and photographed the facility from the Hackensack River, the Pulaski Skyway, the fence line and plant gate. It is clear that this facility has failed to take advantage of safer available chemical processes to prevent a catastrophic release of chlorine gas by terrorist attack or accident.

Greenpeace was able to move freely around the perimeter of this plant in day light without interruption or contact with any plant security or other security personnel. If the Department has any questions about this facility we would be happy to provide additional photographs and other relevant information.

According to Kuehne's reports to the Environmental Protection Agency (EPA) Risk Management Program (RMP), the South Kearny facility puts 12,000,000 people at risk in the New Jersey-New York City area in the event of a catastrophic release of one 90 ton (180,000 pounds) rail car of chlorine gas.

However, the facility also reports the on-site storage of 2 million pounds of chlorine gas. This makes Kuehne's "worst case scenario" report to the EPA a vast underestimate of what could happen in the event of a terrorist attack. Our inspection confirmed the presence of several 90 ton rail cars of chlorine gas.

Kuehne is well aware of these risks. And since 9/11 the Department of Homeland Security (DHS) has officially warned chemical facilities in the Federal Register that the magnitude of a terrorist attack may well be "more severe" than the "worst case" accident scenarios reported by Kuehne and other companies to the EPA.

The media has also reported Kuehne's outstanding risks. For example, in July 2002, the N.Y. Daily News ran a front page story listing the highest risk plants in the metropolitan area, including Kuehne.

In November 2003, CBS' 60 Minutes featured a story on the hazards of U.S. chemical plants and their vulnerability to terrorism, which also included Kuehne's South Kearny facility.

In a May 6, 2003 letter Greenpeace wrote Kuehne Chemical urging the company to adopt safer processes including: "immediate and permanent steps to reduce storage." Other facilities around the country are pursuing just-in-time on-site generation of chlorine gas to produce and use only small quantities (approximately 50 to 300 pounds). This step

eliminates the inherent risks of storing 90-ton rail cars of chlorine gas.

Kuehne has acknowledged the availability of safer alternatives that will eliminate these risks at the South Kearny plant. Instead of implementing them they have held the public hostage by making the security of the region contingent on a \$50 million taxpayer funded handout to subsidize the conversion of this plant.

In contrast Dow Chemical announced (2008) a partnership with K2 Pure Solutions (k2pure.com) to use just-in-time on-site generation to address these risks at Dow's Pittsburgh, California plant. This project will also generate 300 construction jobs and 40 permanent jobs.

In November 2009, Clorox announced that they will convert all of their U.S. facilities from the bulk use of chlorine gas to liquid chlorine bleach, which will eliminate catastrophic risks to more than 13 million people throughout their supply chain with no negative impact on employment.

The Center for American Progress has identified more than 500 facilities that have converted to safer processes thereby eliminating catastrophic risks to 40 million Americans. More than 80 percent of the surveyed facilities converted for less than \$1 million, and a third expect to save money. Yet 300 other facilities together put 110 million Americans at risk.

Other businesses in the supply chain are also potentially impacted. The railroads are the largest shipper of chlorine gas and other toxic-by-inhalation (TIH) substances. It represents 0.3 percent of their cargo and 80 percent of their liability. The Association of American Railroads says that they "strongly support efforts to replace TIH materials with less hazardous substitutes and new technologies wherever possible."

Rather than spending millions of dollars in public and private funds on conventional security, which does nothing for a company's bottom line and little to prevent a terrorist attack, the only foolproof way to safeguard communities is to eliminate the attractiveness of chemical plants as targets by switching to safer chemical processes. In this regard the Kuehne plant has failed to secure their facility against terrorists or catastrophic accidents.

CC: Kuehne Chemical Company, South Kearny, NJ