

**American Federation of State, County and Municipal Employees (AFSCME) - International Brotherhood of Teamsters - International Chemical Workers Union Council/UFCW NJ Work Environment Council - Service Employees International Union (SEIU) United Steelworkers (USW)**  
**Clean Water Action - Environmental Defense Fund - Environmental Working Group Friends of the Earth - Greenpeace - League of Conservation Voters - OMB Watch Physicians for Social Responsibility - Sierra Club - U.S. Public Interest Research Group Alaska Community Action on Toxics - Advocates for Environmental Human Rights Alliance of Nurses for Healthy Environments - Beyond Pesticides - Breast Cancer Fund Center for Health, Environment and Justice - Center for International Environmental Law Citizens' Environmental Coalition - Clean New York - Clean Production Action Connecticut Coalition for Environmental Justice - Connecticut Council on Occupational Safety and Health- Detroiters Working for Environmental Justice - Ecology Center - Empire State Consumer Project - Environmental Health Fund - Environmental Health Strategy Center - Farmworker Association of Florida - Healthy Building Network - Kentucky Environmental Foundation - Louisiana Bucket Brigade - Maine People's Alliance MDPIRG - National Bucket Brigade Coalition - Natural Resources Council of Maine - New Jersey Environmental Federation - Oregon Center for Environmental Health - Oregon Toxics Alliance - Rochesterians Against the Misuse of Pesticides - Science and Environmental Health Network - Urban Semillas - Vermont PIRG (VPIRG) - Worksafe**  
**Kristen Breitweiser, 9/11 Widow**

November 2, 2009

Dear Representative;

This week the House will be voting on, H.R. 2868, The Chemical and Water Security Act of 2009. The undersigned organizations urge you to vote for its passage.

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 6,350 high-risk U.S. chemical facilities. As President Obama said in 2006, "these plants are stationary weapons of mass destruction spread all across the country."

An interim statute enacted in 2006 as a rider on the Homeland Security appropriations bill temporarily authorized the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is wholly inadequate to protect the more than 100 million Americans still at risk. Among the fatal flaws in the "interim" statute:

- It prohibits the DHS from requiring any specific "security measure," including the most commonsense: the use of safer and more secure chemical processes that can cost-effectively eliminate catastrophic hazards posed by poison gas.
- 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.

To correct these flaws and enact permanent comprehensive legislation, we urge you to support The Chemical and Water Security Act of 2009 (H.R. 2868). This legislation will correct the flaws in the interim law and for the first time put in place a comprehensive program. In addition, we urge you to support any strengthening amendments and to oppose all amendments to weaken either bill.

This legislation represents a compromise that combines the best of legislation reported out of the Homeland Security Committee and the Energy and Commerce Committee. In an October 20<sup>th</sup> letter to Representative Waxman, the President and CEO of the American Chemistry Council

(ACC) Cal Dooley acknowledged, "The Chemical Facility Anti-Terrorism Act of 2009," H.R. 2868, is the appropriate vehicle for ensuring a permanent CFATS program."

This legislation is essential to protect millions of Americans still in harm's way. According to a 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 1999, more than 287 chemical facilities have switched to safer and more secure chemicals or processes, eliminating risks to more than 38 million Americans. Cost effective safer technologies are used in a wide variety of facilities including water treatment plants, power plants, oil refineries and other manufacturers. Many high risk facilities, however, have yet to adopt safer technologies.

In their October 1st testimony before the Energy and Environment Subcommittee, the DHS and EPA called for legislation to require the use of safer cost-effective chemical processes where feasible at the highest risk facilities. In a March 2006 floor statement, then Senator Obama said, "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."

In the face of potentially ruinous liability from a catastrophic chemical release, some business leaders agree with these solutions. 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 urge you to support H.R. 2868 and any strengthening amendments and oppose weakening amendments to ensure that the resulting law and program will:**

- 1) Reduce the consequences of an attack through the use of available, cost-effective safer and more secure chemicals and processes
- 2) Include all categories of facilities such as water treatment plants
- 3) Involve plant employees in developing plant security programs, including participation in workplace investigations, and provide employees with both an appeals and a waiver procedure of their background checks
- 4) Allow citizen petitions to enhance enforcement at chemical facilities and citizen suits to ensure government accountability
- 5) Allow states to set more protective security standards
- 6) Require collaboration between the DHS, EPA and other agencies to avoid regulatory redundancy or inconsistency.

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

Sincerely,

**John Morawetz  
International Chemical  
Workers Union  
Council/UFCW**

**Brian Turnbaugh  
OMB Watch  
  
Liz Hitchcock  
U.S. Public Interest  
Research Group**

**Holly Hart  
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**Pam Miller**  
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**Nathalie Walker & Monique Harden**  
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**Brenda Afzal, RN, MS**  
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**Charles Loveless**  
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**Jay Feldman**  
Beyond Pesticides

**Gretchen Lee Salter**  
Breast Cancer Fund

**Mike Schade**  
Center for Health, Environment and Justice

**Daryl Ditz**  
Center for International Environmental Law

**Barbara Warren**  
Citizens' Environmental Coalition

**Kathy Curtis**  
Clean New York

**Mark Rossi, PhD**  
Clean Production Action

**Lynn Thorp**  
Clean Water Action

**Mark A. Mitchell**  
Connecticut Coalition for Environmental Justice

**Mike Fitts**  
Connecticut Council on Occupational Safety and Health

**Donele Wilkins**  
Detroitters Working for Environmental Justice

**Tracey Easthope**  
Ecology Center

**Judy Braiman**  
Empire State Consumer Project

**Richard Denison**  
Environmental Defense Fund

**Andy Igrejas**  
Environmental Health Fund

**Michael Belliveau**  
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**Jason Rano**  
Environmental Working Group

**Jeannie Economos**  
Farmworker Association of Florida

**Erich Pica**  
Friends of the Earth

**Bill Walsh**  
Healthy Building Network

**LaMont Byrd**  
International Brotherhood of Teamsters

**Elizabeth Crowe**  
Kentucky Environmental Foundation

**Tiernan Sittenfeld**  
League of Conservation Voters

**Anne Rolfes**  
Louisiana Bucket Brigade

**Ryan Tipping-Spitz**  
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**Rick Hind  
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Natural Resources Council of Maine**

**Rick Engler  
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**Dona Hippert  
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**Kristen Welker-Hood  
Physicians for Social Responsibility**

**Judy Braiman  
Rochesterians Against the Misuse of  
Pesticides**

**Ted Schettler  
Science and Environmental Health  
Network**

**Bill Borwegen  
Service Employees International Union  
(SEIU)**

**Ed Hopkins  
Sierra Club**

**Miguel Luna  
Urban Semilias**

**Charity Carbine  
Vermont PIRG (VPIRG)**

**Gail Bates  
Worksafe**