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COMMUNITY HEALTH AND ENVIRONMENT COALITION

September 7, 2006

Dear Representative;

The bi-partisan chemical security bill (H.R. 5695) approved by the House Homeland Security Committee on July 28th should be adopted by the House as soon as possible before the October recess. If enacted, "The Chemical Facility Anti-Terrorism Act of 2006" (H.R. 5695) would eliminate staggering vulnerabilities at high-risk chemical plants across the U.S. Agreement on this bill also marks the first time, since September 11, 2001, that Committees in both chambers have approved chemical security legislation. Security experts agree that U.S. chemical facilities are among the most vulnerable and potentially deadly sectors of our national infrastructure and place millions of Americans at risk.

H.R. 5695 is a common sense compromise that offers true protections to the public, protections that are not contained in the Senate bill, while also addressing industry concerns. **We urge you to support H.R. 5695 as reported out of Committee without amendments or further delay.** With approximately 15 legislative days remaining before the October recess, it is essential that Congress move swiftly to credibly address this vulnerability.

Unlike the Senate bill, H.R. 5695 will ensure meaningful protection for thousands of plant employees, emergency responders and community residents at each high-risk chemical facility. Under H.R. 5695, the Department of Homeland Security (DHS) is charged with identifying the high-risk plants and approving their security plans, including the use of inherently safer, more

secure technologies. Each high-risk facility provides an assessment of the best technology to reduce the consequences of a terrorist attack at their plant. If a facility plan is not approved by DHS they can successfully appeal if they can show that a safer technology is not feasible, cost-effective or will not reduce risks.

If and when conventional fence-line security fails, inherently safer technologies can dramatically reduce the consequences of an attack on a chemical plant and therefore should be an essential component of chemical security legislation. On June 13th, the largest shipper of these chemicals, the Association of American Railroads, testified before Congress saying they "strongly support efforts aimed at finding and utilizing 'inherently safer technologies.'"

Since 9/11, the use of inherently safer technologies at hundreds of water treatment facilities, power plants, refineries and manufacturing facilities has eliminated the catastrophic risks posed by the release of poison gases once used at their facilities. As a result, at least 38 million people are safer. However, millions more remain at risk.

H.R. 5695 also wisely draws on the skills and knowledge of front-line plant employees in developing and implementing security plans. Although it is the clear intention of H.R. 5695 to allow state and local governments to go beyond federal minimum standards, we urge you to enact the savings clause language in the Senate bill (S. 2145) because it more clearly preserves state and local authority. Such clarity is critical to ensuring that federal and local governments continue to collaboratively improve homeland security.

Action is long overdue to address these preventable disasters. In early 2005, Richard Falkenrath, former Deputy Homeland Security Adviser to President Bush, told Congress: *"Of all the various remaining civilian vulnerabilities in America today, one stands alone as uniquely deadly, pervasive and susceptible to terrorist attack: toxic- inhalation-hazard industrial chemicals."* If adopted by the House, H.R. 5695 would represent a giant step toward addressing these vulnerabilities.

Thank you for your immediate attention to this critical legislation.

Sincerely,

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