

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

CARL LEVIN, MICHIGAN  
DANIEL K. AKAKA, HAWAII  
THOMAS R. CARPER, DELAWARE  
MARK L. PRYOR, ARKANSAS  
MARY L. LANDRIEU, LOUISIANA  
BARACK OBAMA, ILLINOIS  
CLAIRE MCCASKILL, MISSOURI  
JON TESTER, MONTANA

SUSAN M. COLLINS, MAINE  
TED STEVENS, ALASKA  
GEORGE V. VOINOVICH, OHIO  
NORM COLEMAN, MINNESOTA  
TOM COBURN, OKLAHOMA  
PETE V. DOMENICI, NEW MEXICO  
JOHN WARNER, VIRGINIA  
JOHN E. SUNUNU, NEW HAMPSHIRE

MICHAEL L. ALEXANDER, STAFF DIRECTOR  
BRANDON L. MILHORN, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

August 19, 2008

Mr. Rick Hind  
Legislative Director  
Greenpeace  
702 H Street, NW  
Washington, D.C. 20001

Dear Mr. Hind:

Thank you for contacting me regarding the importance of securing our nation's chemical facilities against terrorist attacks.

In 2005, as Chairman of the Homeland Security and Governmental Affairs Committee, I held a series of hearings to examine the terrorist threat to the country's chemical facilities and the devastating consequences that could arise from a successful attack. During these hearings, the Committee heard from numerous experts on the subject, including environmental associations, labor groups, industry representatives, chemical safety and security experts, and representatives of the Department of Homeland Security (DHS) and the Environmental Protection Agency.

As the Committee's examination of this matter progressed, it became clear that many of our nation's highest-risk chemical facilities were vulnerable to attack. Despite well-regarded voluntary security programs throughout the industry, some companies had failed to abide by these security best-practices. Indeed, DHS assessed that approximately 20 percent of the country's high risk chemical facilities had not implemented critical security measures. The federal government desperately needed comprehensive authority to enforce compliance with risk-based performance standards that would increase the security at chemical facilities.

To address this critical gap in our homeland security, I introduced comprehensive, bipartisan legislation to provide DHS with the authority necessary to set and enforce security standards at high-risk chemical facilities in the United States. Senators Lieberman, Coleman, Carper, and Levin joined me in proposing the "Chemical Facility Anti-Terrorism Act of 2006" (S. 2145). Over the course of the 109<sup>th</sup> Congress, this bipartisan legislation was carefully considered by the Committee, and On June 15, 2006, the bill was *unanimously* reported to the full Senate. The regulatory system proposed in the bill took an integrated approach to security, comprehensively addressing the vulnerabilities, threats, and consequences of a terrorist attack on a chemical facility. Chemical facility security legislation that I negotiated ultimately was signed into law as part of the Department of Homeland Security Appropriations Act, 2007.

Due to the Committee's efforts, DHS can mandate – for the first time – increased security measures at thousands of high-risk chemical facilities across the country. The

Department has taken steps to implement these new authorities by ranking the nation's chemical facilities by risk and requiring the highest risk facilities to submit security plans. Once submitted, DHS will audit these plans and establish risk-based and performance-based security measures for these facilities. If facilities fail to comply with the security requirements established by DHS, the Secretary can shut these non-compliant facilities down – a vital enforcement mechanism included in our legislation.

When examining the security of a chemical facility, DHS should consider steps taken by that facility to avoid the use, storage, and handling of extremely dangerous chemicals in favor of safer alternative processes. Many chemical facilities, in Maine and throughout the nation, have voluntarily adopted these alternative processes, and I encourage them to implement that option where appropriate. From a security standpoint, it is the result that matters, and Congress should not dictate specific industrial processes under the guise of security when a facility may choose other alternatives that meet or exceed the nation's security demands.

The United States is the world's number-one producer of chemical products – products that are used to develop lifesaving medicines, build computers and other electronic equipment, purify our water, and help farmers grow and sustain our food supply. The chemical industry supports more than five million high-paying American jobs. Given the economic importance of this industry and the potential for catastrophic loss of life if a terrorist attack on a chemical facility were to succeed, DHS must continue to effectively implement the comprehensive chemical facility security authority Congress established in 2006.

I am proud of the bipartisan efforts of the Homeland Security and Governmental Affairs Committee that led to the authorization of the DHS chemical facility security program. As a result of the significant authority provided to the Secretary to set security requirements, audit compliance, and, if necessary, shut down chemical facilities that fail to comply with DHS mandates, the nation's chemical facilities and its citizens are far safer.

Sincerely,



Susan M. Collins  
United States Senator

SMC: dsc