

***“We can no longer continue to risk the lives of millions of Americans by using, transporting and storing highly toxic chemicals when there are safer alternatives commercially available. It is time for the nation’s big chemical companies to stop making the dangerous chemicals that can be replaced by safer substitutes or new technologies currently in the marketplace....”***

***--- Association of American Railroads, February 2008***

August 6, 2008

Dear Senator Collins,

We appreciate your leadership as the current ranking member and former Chair of the Senate Committee on Homeland Security and Governmental Affairs. We are writing to you today to ask your help. As you know, Congress has left unfinished the job of protecting the lives and safety of millions of Americans through permanent chemical security legislation

Today we are presenting you with approximately 10,000 petition signatures from across the U.S. because truly protective chemical security legislation is long overdue. We ask for your support for legislation that will reduce or eliminate the consequences of an attack on a U.S. chemical facility by using safer more secure chemicals and technologies. In addition we further ask you to use your leadership to persuade Republican colleagues, such as Senators George Voinovich (R-OH) and James Inhofe (R-OK), who voted for similar legislation in 2002 but now oppose it.

Today, almost seven years after September 11<sup>th</sup>, sobering warnings continue to go unheeded regarding the vulnerability of U.S. chemical plants to terrorist attacks. The potential for loss of life and economic disruption from such an attack is staggering. The 20,000 who died in the 1984 Bhopal disaster made that horribly clear. Additional warnings since September 11<sup>th</sup> include:

\*\*\* In 2001 the U.S. Army Surgeon General study estimated that 900,000 to 2.4 million people could be killed or injured in a terrorist attack on a U.S. chemical plant in a densely populated area;

\*\*\* In 2003 the Naval Research Laboratory, estimated that more than 100,000 people could be killed or injured within the first 30 minutes of a terrorist attack on one 90 ton rail car of hazardous chemicals passing through a major city such as Washington, D.C. warning that *“lethally exposed people can die at the rate of 100 per second;”* and

\*\*\* In 2004 the Homeland Security Council estimated that an attack on a chlorine facility could kill 17,500 people, seriously injure an additional 10,000, send 100,000 more to the hospital and cause an additional 70,000 evacuations.

What has been done to address these threats? In 2006 Congress passed a 740 word interim statute that will expire in fifteen months. That law actually prohibits the Department of Homeland Security (DHS) from requiring the most ironclad security measure we know, safer more secure chemicals or technologies. The interim law also exempts thousands of chemical facilities, including almost 3,000 water treatment facilities, many of which put the population of major cities at risk.

In your December 2005 statement on the Senate floor you said you ***“do not believe it is appropriate for a bill on security to dictate specific industrial processes...”*** In June of 2006 you also voted against **Senator Lieberman’s compromise amendment that allowed chemical facilities to choose safer technologies to reduce hazards** even though it did NOT require safer technologies unless they were shown to be practical, cost effective and would significantly reduce risks.

In this Congress the “Chemical Facility Anti-Terrorism Act of 2008” (H.R. 5577) was adopted on March 6th by the House Homeland Security Committee. H.R. 5577 conditionally requires the use of safer technologies IF they are shown to be practical, cost effective and will not shift risks to other U.S. facilities. H.R. 5577 also allows each facility to select the safer technology best suited for their plant.

H.R. 5577 reflects elements of a 2002 proposal by the U.S. Environmental Protection Agency (EPA) which would have been fully implemented by 2004 but was scuttled by the White House. H.R. 5577 is also similar to legislation (S. 1602) authored by Senator Jon Corzine (D-NJ) in 2001 which was unanimously adopted by the Senate Environment and Public Works Committee in July of 2002. Senators voting for it included Voinovich (R-OH) and Inhofe (R-OK), who later decided to oppose it.

The good news is that more than 200 U.S. chemical facilities have converted to safer more secure chemicals since 9/11. The most famous is Washington, D.C.'s wastewater treatment plant which put 1.7 million people at risk until it converted to harmless liquid bleach 90 days after the 9/11 attacks. In Maine at least two facilities have converted to safer chemicals or technologies since 1999 - Great Northern Paper in East Millinocket & the Monson Co. in South Portland. Before converting they each put 3,200 and 75,000 people at risk, respectively. The bad news is that at this slow pace of conversion it will take more than 70 years to protect the communities surrounding the 3,400 chemical facilities that each put 1,000 or more people at risk according to the DHS.

EPA data suggests that the task is manageable if we begin now. Just four industrial chemicals account for 55 percent of the processes that threaten communities nationwide. They are: chlorine, ammonia, sulfur dioxide and hydrogen fluoride (HF). All of these chemicals have safer alternatives:

\*\*\* More than 100 water treatment plants still threaten more than 100,000 people each with chlorine or sulfur dioxide hazards;

\*\*\* Ninety-eight petroleum refineries already use safer alternatives to deadly HF. But 48 refineries still threaten millions of people with ultra-hazardous HF; and

\*\*\* At least 36 electric power plants already use safer alternatives to anhydrous ammonia gas such as dry urea. But 166 power plants still use ultra-hazardous anhydrous ammonia gas.

Enlightened businesses agree. In February the Association of American Railroads, issued a statement saying, ***"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 in the Chemical Facility Anti-Terrorism Act of 2008."***

Congress must enact legislation that will reduce or eliminate hazards not simply continue to gamble on more guards and fences. That means enacting a law that protects communities by making better use of solutions that have already eliminated risks to millions.

Thank you for continued attention to this urgent homeland security matter.

Sincerely,

Rick Hind, Legislative Director  
Greenpeace  
(202) 319-2445

Mike Belliveau, Executive Director  
Environmental Health Strategy Center  
(207) 631-5565 (cell)

Matt Prindiville, Toxics Project Director  
Natural Resources Council of Maine

Jesse Graham, Executive Director  
Maine People's Alliance

Peter Kellman, President  
Southern Maine Central Labor Council, AFL-CIO

John Newton, Board Member  
Maine Labor Group on Health

Syd Sewall, MD, MPH  
Maine pediatrician

Carol Eckert, MD, MPH  
Maine family physician

Heather Spalding, Associate Director  
Maine Organic Farmers & Gardeners Association