



702 H Street, NW, Suite 300, Washington, DC 20001
Tel: 202-462-1177 • Fax: 202-462-4507
1-800-326-0959 • www.greenpeaceusa.org

Q&A on Conditional Requirements for Safer Technologies in Sec. 2111 of "The Chemical Facility Anti-Terrorism Act of 2009" (H.R. 2868) introduced June 15, 2009 by Rep. Bennie Thompson (D-MS), Rep. Henry Waxman (D-CA) & Rep. Edward Markey (D-MA)

Does the bill require ALL chemical facilities to adopt “methods to reduce the consequences of a terrorist attack”?

No, this requirement is conditional and only covers the highest-risk (Tiers 1&2) facilities selected by the Department of Homeland Security (DHS). As of May 2009, the DHS designated approximately 820 facilities in the two highest risk tiers.

The conditions for implementing safer methods and technologies are:

- *** They must significantly reduce the risk of death or injury
- *** They must not shift risks to an other location
- *** The must be technically feasible
- *** They must not impair the plant's ability to do business at that location

Will wastewater facilities be regulated and therefore be required to implement safer methods or technologies?

Yes, the bill does include wastewater facilities. Only those water facilities that are designated in the highest risk tiers by the DHS would be conditionally required to implement safer methods or technologies.

Will this requirement burden facilities with unacceptable costs?

No, a survey by the Center for American Progress identified 284 facilities that switched to safer methods since 1999. They found that 87 percent spent less than \$1 million, and one half reported spending less than \$100,000. And 34% of facilities expected “cost savings or improved profitability.” Washington, D.C. converted its sewage treatment plant within 90 days after the 9/11 attacks for less than \$0.50 per water customer per year. The bill also authorizes funding for three years to defray the cost of implementing safer methods and technologies.

Will this requirement result in job losses?

No, plants that invest in the safety and security of their infrastructure invest in American communities and eliminate or reduce their: liability, regulatory costs and improve workplace safety. Major trade unions, such as the United Steelworkers, United Auto Workers, International Chemical Workers/UFCW and Communication Workers of America support the bill.

Will the use of safer technologies shift risks locally or nationally?

No, the bill specifically prohibits the shifting of these risks to other facilities in the U.S.

Does the bill micro-manage chemical facilities by requiring them to adopt a specific safer technology?

No, each high-risk facility is free to choose the most appropriate technology or process for their facility.

Should government require safer design and technologies to be used in the private sector?

Yes, the Federal Aviation Administration (FAA) has required airplane security and safety standards for decades. The feasibility and cost-effectiveness are balanced against security and safety needs. After 9/11 all commercial airliners were required to harden cockpit doors and X-ray machines for airline baggage were installed at hundreds of airports.

Is this requirement more appropriate for environmental legislation than security legislation?

No, in 2006 the GAO (GAO-06-150), concluded that "Implementing inherently safer technologies potentially could lessen the consequences of a terrorist attack by reducing the chemical risks present at facilities, thereby making facilities less attractive targets." And a June 2006 National Academy of Sciences study endorsed the adoption of safer technologies as "the most desirable solution to preventing chemical releases" from a terrorist attack.

In a February 27, 2008 statement 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 in the Chemical Facility Anti-Terrorism Act of 2008."

Can different types of chemical facilities use safer methods to reduce the consequences of risks at more than 6,000 regulated facilities?

Yes, many types of facilities are among the 284 facilities that have already converted since 1999. Most facilities (89 percent) are "users" of chemicals rather than chemical makers. These plants can often switch to safer methods even faster than chemical makers.

Four substances account for 55 percent of the processes that pose a catastrophic risk to communities according to the EPA. These substances are chlorine, ammonia, hydrogen fluoride and sulfur dioxide. They are also among the hazards eliminated at 284 plants that have converted since 1999.