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"You know, the threat is just staring us in the face. I mean, all you'd have to do is to have a major chemical facility in a major metropolitan area go up and there'd be hell to pay politically. People will say, 'Well, didn't we know that this existed?' Of course, we knew."

--- Former Senator Warren Rudman (R-NH), November 2003

July 24, 2008

Mark Sullivan, Director
U.S. Secret Service
245 Murray Drive, Building 410
Washington, DC 20223

Dear Mr. Sullivan;

If your security plans for the Democratic and Republican conventions do not already include plans to reduce the consequences of a terrorist attack on the transport and use of bulk poison gases such as chlorine, we formally request that the U.S. Secret Service, in consultation with the Department of Homeland Security (DHS), Department of Transportation (DOT) and Environmental Protection Agency (EPA), take immediate action to address these hazards.

Specifically, the conventions in Denver (August 25th-28th) and St. Paul (September 1st-4th) will be held deep inside the "vulnerability zones" (chemical disaster zones) of at least two chemical facilities. These facilities store and use bulk quantities of poison gases that can remain hazardous 14-25 miles from a catastrophic release. In addition, the freight rail lines servicing these and other chemical facilities run within 200 to 1,500 feet of the convention venues.

Under Sec. 1551 of the "Implementing Recommendations of the 9/11 Commission Act," the DOT can require railroads to "select the safest and most secure route to be used in transporting security-sensitive materials [including poison gases]." This is the fastest way to eliminate the risks posed by the rail transport of bulk poison gases in populated areas.

Another security measure that would permanently eliminate these risks would be the conversion by each facility to safer processes. For example, Washington, D.C.'s wastewater treatment plant converted from chlorine gas to liquid bleach 90 days after the 9/11 attacks at a cost to customer of pennies a day. This eliminated the need to continue storing seven 90-ton rail cars of chlorine gas and frees up limited security resources and personnel for other potential targets.

We recommend the following immediate actions:

- 1) Order re-routing or a moratorium on the shipment of ultra-hazards substances and gases (including chlorine, ammonia, sulfur dioxide, hydrogen fluoride) through both cities prior to each convention.
- 2) Conduct "red-team" exercises along rail lines and at each of the four facilities and any other area facilities that pose similar risks.
- 3) Issue a request that these facilities voluntarily convert to safer chemicals or processes. All of them have safer alternatives and some may be able to switch quickly. If they claim they cannot move quickly they should consider reducing inventories while they move toward conversion.

Risks in Denver:

According to the plants' own reports to the EPA, at least two Denver area plants each pose a serious risk to 1.7 million and 925,000 people living within their respective **15 mile vulnerability zones**. The specific hazard is the catastrophic release of chlorine or sulfur dioxide gas which have widely available safer alternatives. **Both of these plants are less than six miles from the Denver Pepsi Center and Invesco Field at Mile High Stadium. One is also a water facility that is exempted from DHS regulations.** The names and addresses of these facilities are attached.

The rail line that services these and other plants in Denver routinely carries 90 tank cars of these gases **within 204 feet of the Pepsi Center and within 1,300 feet of Mile High Stadium in Denver.**

Risks in St. Paul:

According to the plants' own reports to the EPA, at least two plants in the St. Paul, Minnesota area each pose a serious risk to 2.2 million and 1.1 million people within their respective **25 mile and 14 mile vulnerability zones**. The specific hazard is the catastrophic release of hydrofluoric acid or chlorine gas which have widely available safer alternatives. **These plants are within 5 and 8.1 miles of the Xcel Energy Center respectively. One is also a water facility that is exempted from DHS regulations.** The names and addresses of these facilities are attached.

The rail line that services these and other plants in St. Paul routinely carries 90 ton tank cars of these gases **within 1,400 feet of the Xcel Energy Center in St. Paul.**

Notable examples of suspending these shipments since 9/11 include: as the U.S. invaded Afghanistan there was a 72 hour moratorium on poison gas shipments by all U.S. railroads; the suspension through Washington, D.C. during the September 2003 NFL Britney Spears concert, the President's State of the Union messages and Fourth of July celebrations; and the voluntary re-routing around Capitol Hill since 2004.

Due to these risks, the railroads no longer wish to carry this cargo. 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. [H.R. 5577]"*

H.R. 5577, now pending in Congress, would replace the "interim" chemical security law that was enacted in 2006. The "interim" law limits the DHS's authority and scope by **prohibiting** the DHS from prescribing the use of safer chemical processes. It also **exempts thousands** of water treatment facilities including those in Denver and St. Paul. If enacted H.R. 5577 would correct these flaws and also allow the government to require "red-team" exercises at high-risk chemical facilities, similar to what has been done at nuclear power plants. Over 200 U.S. facilities have converted to safer processes since 2001.

Magnitude of the risk:

The 1984 chemical disaster in Bhopal, India claimed 20,000 lives, turning a potential risk into a horrible reality. In 2001 a 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 2003, the U.S. 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, warning that, **"lethally exposed people can die at the rate of 100 per second."** In 2004 the Homeland Security Council estimated that an attack on a chlorine facility could kill 17,500 people. In 2007 several terrorist attacks in Iraq used small tanks of chlorine gas to kill and injure scores of people. According to the EPA, approximately 100 U.S. chemical plants each put one million or more people at risk.

We look forward to your response and to the extent you have already incorporated these recommendations into your security for the conventions in Denver and St. Paul. Although "red-team" exercises should be unannounced, it would not compromise security to announce that they have been conducted as well as any risks that have been eliminated either through re-routing or the conversion of plant's processes. In fact these steps will conserve scarce security resources and personnel to focus on potential targets that cannot be neutralized in the same manner.

Sincerely,

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CC:
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