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VIA FAX

October 3, 2003

Secretary Norman Mineta  
Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, D.C. 20590

Dear Secretary Mineta,

After more than two years of inaction following the September 11<sup>th</sup> attacks, the September 30<sup>th</sup> Hazardous Materials Transportation Initiative announced by yourself and Attorney General, John Ashcroft is welcome but wholly inadequate. By focusing on illegal shipments, this initiative ignores the lion share of risks posed by the **legal** transport of more than 800,000 hazardous materials shipments passing through the U.S. each day. Our railroads and highways are among the most vulnerable sectors to terrorism.

This new initiative falls far short of the recommendations of the April, 2003 General Accounting Office (GAO) report which called for a joint plan between the Department of Transportation (DOT) and the Department of Homeland Security (DHS) to address this threat. It also identified specific risks such as the practice of "storage-in-transit" of rail cars loaded with hazardous materials and the need to notify local communities about the hazardous materials stored and shipped through their backyards.

As you know, thousands of U.S. chemical facilities have submitted worst-case chemical accident scenarios to the U.S. Environmental Protection Agency (EPA). A large percentage of these scenarios involve 90 ton rail car containing ultra-hazardous substances such as chlorine.

Based on this same methodology we have attached a map of a vulnerability zone emanating from the CSX freight line just four blocks south of the U.S. Capitol. This 14 mile radius represents the distance a poison cloud of chlorine gas could travel from an accident or attack and remain dangerous. In addition to the U.S. Capitol, the White House, government offices such as the DOT, there are 2.4 million residents who live in this risk zone. In addition to the threat this poses to virtually all of our national leaders, the surrounding communities closest to such an incident would receive the most deadly doses.

This scenario is not unlike the 1984 tragedy in Bhopal India where 8,000 people were initially killed by a catastrophic leak at a Union Carbide plant. However, in the event of a terrorist attack of the magnitude and scope of September 11<sup>th</sup>, multiple rail cars could be attacked, rendering the impact much worse.

According to a report by the U.S. Army surgeon general, 2.4 million people could be killed or injured in a terrorist attack against a U.S. toxic chemical plant in a densely populated area.

Greenpeace and other groups have documented through photographs and video tape the shipment of highly hazardous materials slowly rolling through Capitol and Washington, D.C. Ultra-hazardous chemicals such as chlorine, ammonia, phosphoric acid and molten sulfur have been witnessed first hand. These tank cars often have graffiti on them, a constant reminder of the impossibility of guarding every mile of track or roadway.

Since September 11<sup>th</sup>, the possibility of turning railroad tank cars into weapons of mass destruction (WMD) has been the subject of much concern but only temporary action. Immediately following September 11<sup>th</sup> the railroad industry instituted a short-term moratorium on shipping highly toxic chemicals.

More recently, the May 1<sup>st</sup> guilty plea of an alleged al Qaeda "scout," who is accused of assessing the feasibility of derailing trains between Washington, D.C. and New York City, moves this threat far beyond hypothetical. Recent train derailments, including one near Washington, D.C. (June 12<sup>th</sup>) and a runaway train in Los Angeles (June 20<sup>th</sup>) are a reminder of their constant vulnerability.

An FBI specialist on WMDs recently addressed a chemical industry conference on homeland security (June 20<sup>th</sup>) warning, *"You've heard about sarin and other chemical weapons in the news. But it's far easier to attack a rail car full of toxic industrial chemicals than it is to compromise the security of a military base and obtain these materials."*

The 50 caliber rifle is a frightening example of weapons that are legally available for use against transportation targets. The Violence Policy Center (VPC) has sobering reports available on their web site ([www.vpc.org](http://www.vpc.org)) showing that in addition to the easy availability within the U.S. this rifle has also been purchased by al Qaeda. These American-made high powered rifles are capable of penetrating 1 inch thick armor plated steel at 600 yards. They are considered anti-material weapons by the military and are also legal in Washington, D.C.

Toxic chemicals such as chlorine are referred to by the DOT as "toxic by inhalation" (TIH). Chlorine was the first chemical weapon used in World War I, killing thousands who died from pulmonary edema, (drowning in their lung fluid). According to a December, 2000 Argonne National Laboratory report, there are over 100,000 rail shipments of chlorine in the U.S. every year.

The Argonne Laboratory report warned the DOT:

*"...the failure to identify and evaluate opportunities to reduce the risks from these types of relatively rare accidents could ultimately lead to thousands of fatalities, injuries, and evacuations."*

Of the 150 most heavily shipped chemicals, Argonne identified only 13 are classified as TIH chemicals. While safer alternatives exist for chlorine and virtually all other TIH chemicals, the most immediate short-term solution is to permanently re-route these shipments around the Washington, D.C. metropolitan area and other densely populated cities.

The rapid substitution of chlorine with safer chemicals at the Washington, D.C. sewage treatment plant at Blue Plains occurred within eight weeks following the September 11<sup>th</sup> attacks, eliminated the region's worst TIH risk at a stationary facility. Blue Plains had as many as seven chlorine tank cars stored on site at one time. Today none of the TIH chemicals shipped through D.C. are destined for use here. Washington, D.C. is simply the shortest, cheapest route to ship them along the East Coast.

In an August 10, 2001 letter to you following the Baltimore train tunnel fire in July, 2001 we urged you to prohibit the transport of these materials through populated areas. More recently in a July 1, 2003 letter we repeated this recommendation and asked for clarification of any new policies or regulations that may prohibit the transport of hazardous substances through Washington, D.C. and other highly populated areas.

Having not received a response outlining such a policy from either the DOT or the DHS, on September 3<sup>rd</sup> we requested action by the U.S. Secret Service to address the threat these shipments through Washington, D.C. pose to the President and other national leaders.

As the Secret Service has successfully sought street closings, such as the permanent closing of Pennsylvania Avenue, for the protection of the President, we urged them to immediately seek a complete and permanent prohibition on the shipment of ultra-toxic TIH chemicals through the District of Columbia.

In comments to the DOT on July 3, 2002 the Chlorine Institute, opposed new regulations proposed by the DOT. In their comments they instead proposed a voluntary industry program admitting:

*"it is clear beyond doubt that no plan, no matter how well-conceived and well implemented, can 'assure' that terrorists will be prevented from carrying out their acts of terror."*

According to the EPA data, over 100 U.S. facilities have reported disaster scenarios that put a million or more workers and local residents at risk. Approximately 68 percent of these are chlorine scenarios. All of these are 90 ton rail cars.

On August 7<sup>th</sup>, Washington residents were briefly reminded of these threats when a tank car on a CSX train leaked just six gallons of sodium hydroxide and tied up traffic on Capitol Hill.

To eliminate these risks for all communities, the federal government should convene a multi-agency task force. Under 112 r of the Clean Air Act, the EPA has authority to require chemical facilities to prevent such disasters but has failed to use this authority. Senator Jon Corzine's (D-NJ) Chemical Security Act (S. 157) represents a first step toward this and was unanimously adopted in the Senate Environment and Public Works (EPW) Committee in July, 2002 but never made it to the Senate floor.

The EPW Committee is now expected to mark up significantly weaker legislation by Senator James Inhofe (R-OK) during the week of October 13<sup>th</sup>. His bill is expected to make preventive action optional at best. The legislation also fails to contain a transportation component.

While virtually all of the TIH chemicals have safer substitutes allowing most communities to replicate the success of the Blue Plains sewage treatment plant in Washington, D.C., in the event that there are no safer technologies available, there are a host of interim options such as, smaller storage and transport containers and buffer zones that can be implemented that will dramatically reduce if not eliminate large scale catastrophes.

It is urgent that we begin an orderly conversion from obsolete hazardous chemicals to safer materials as soon as possible because in some cases it may take years to complete the transition. We should also remember that six years passed between the first and second World Trade Center attacks. If we do not begin a process of conversion now, in a few years the nation could be lulled into complacency and become even more vulnerable to attacks.

Prevention is more than a slogan in addressing this threat. The futility of relying solely on emergency response was underscored in a report this August which found that a majority of the D.C. Fire and EMS Department's hazardous-materials team had failed an exam testing their competency in responding to emergencies, including chemical or biological attacks.

Thank you for your prompt attention to this urgent matter. If you have any questions I can be reached at (202) 319-2445. For more information see: [www.greenpeaceusa.org](http://www.greenpeaceusa.org)

Sincerely,

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