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UNION OF NEEDLETRADES, INDUSTRIAL AND TEXTILE EMPLOYEES,
(UNITE) • UNITED STEELWORKERS OF AMERICA

United States Congress
Select Committee on Homeland Security
Washington, DC 20510

July 14, 2004

Dear Representative,

We are writing to urge you to support strong chemical security legislation that appropriately addresses the hazards that vulnerable chemical plants pose to workers, firefighters, police officers, and surrounding communities. Too much time has passed since September 11, 2001 with no chemical security plan in place.

The risks posed by chemical stockpiles at US facilities have been spotlighted by numerous security experts. The Army Surgeon General has ranked the potential for attacks on chemical plants second only to bio-terrorism as the top threat confronting America's homeland security. A RAND study sponsored by the Air Force reported "Toxic warfare is a threat not just for U.S. forces engaged in military operations but also for civilians within the United States. This risk is increased by the wide availability of toxic materials throughout the United States, together with the proximity of industrial operations to large urban centers."

Any effective chemical security program must include several important components:

Safer chemicals and processes to reduce the potential consequences of a terrorist attack. The good news in protecting against chemical terrorism is that we have options better than increasing physical security and hoping terrorists cannot evade fences and guards. Many high-hazard industries have readily available safer alternatives to current chemicals and processes; simple changes could reduce or eliminate the terrorist threat in those communities. Since September 11th, the Blue Plains water treatment plant, which serves Washington, DC, has stopped using chlorine gas (the release of which could have blanketed the nation's capital with a toxic cloud) at an insignificant cost of 25 to 50 cents per customer per year. One third of the nation's oil refineries use safer processes that do not rely on highly toxic hydrofluoric acid, and many other facilities from other industries have switched to inherently safer alternatives.

The Markey amendment on chemical security would bring these safety measures – and peace of mind – to communities

nationwide by asking high risk facilities— defined as those that could impact over 10,000 people--to implement safer alternatives unless doing so is too costly. Security measures alone cannot do the job; just last year someone broke into a fenced chemical plant in Mississippi looking to steal anhydrous ammonia (to make illegal drugs). The break-in resulted in a toxic ammonia leak that shut down the Biloxi airport and several miles of interstate 10 for six hours; approximately 1,000 people had to evacuate the area. If a common criminal can defeat a plant's security measures, we have to assume terrorists like those behind the 9/11 tragedy might be able to as well.

Consistent and strong requirements to make communities safer. The chemical industry long argued that it should be allowed to implement its own voluntary programs rather than comply with federal standards. Allowing facilities to follow their own standards has not been deemed acceptable for airports or nuclear plants, and should not be acceptable for chemical plants. The best-known voluntary program established so far, the American Chemistry Council's (ACC) security code called "Responsible Care," is wholly inadequate. The program focuses on site security, and in fact specifically instructs third-party verifiers *not* to look at opportunities to use safer chemicals and processes. ACC has touted third-party verification requirements, but has not established any standards for who can certify a plant's security plan as adequate. This is an all-too-familiar pattern; "Responsible Care" has in several studies been revealed to be little more than a public relations effort. In contrast, the Markey amendment holds every facility to the same standard—no loopholes.

Accountability to federal authorities. For the government to be able to say it is working to protect American communities against an attack on a chemical plant, it must require chemical plants, as a basic accountability mechanism, to identify their vulnerabilities and report the steps they are taking to reduce their vulnerability and increase safety.

Technical support and coordination with government experts on hazardous chemicals. The Homeland Security Department's primary expertise is in assessing and addressing security, while EPA has primary expertise and years of regulatory experience with the various industries that use large volumes of hazardous materials. Both agencies should play critical roles in a chemical security program. The Markey amendment allows the Department of Homeland Security to take advantage of EPA's expertise.

We urge you to act quickly to ensure enactment of effective policies that will put homeland security ahead of chemical companies' financial interests and truly make American communities safer.

Sincerely,

William J. Klinefelter

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