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Chemical Safety Should NOT be 'Optional'

October 23, 2003

Senator James Inhofe, Chairman
Senate Environment and Public Works Committee
Washington, D.C. 20510

Dear Senator Inhofe;

Strong regulations on chemical security are long overdue. Unfortunately, your bill represents a wholesale retreat from the bill you and the entire Environment Committee adopted in July 25, 2002 (then S. 1602, now S. 157). Given the vulnerability of U.S. chemical facilities to terrorism and the potential magnitude of human losses from such an attack, it is urgent that you put aside partisan differences and special interest politics (\$100,000 in contributions from regulated company PACs) and act in the public interest.

Long before September 11th (April 28, 2000) Senator Frank Lautenberg wrote a letter to you asking for hearings on his chemical security bill which eventually died. Soon after the September 11th attacks, Senator Corzine introduced another chemical security bill in October, 2001. After voting for a compromise version of this bill (S. 1602) in July, 2002 you raised objections in a September, 2002 Dear Colleague letter that helped keep chemical security out of the Homeland Security Act.

All of the experts agree on the magnitude of this risk, including the Department of Justice, U.S. Army surgeon general, RAND Corporation, Brookings Institute, General Accounting Office, Congressional Research Service, Environmental Protection Agency (EPA), Naval Research Laboratory, Argonne National Laboratory and other experts on terrorism. It is clear that our own chemical facilities can easily be turned into weapons of mass destruction (WMD).

According to worst-case scenarios submitted to the EPA by U.S. chemical facilities, more than 100 plants threaten a million or more area workers and residents. Fortunately, virtually all of the ultra-hazardous chemicals involved, such as chlorine, ammonia, hydrogen fluoride, have safer substitutes. Prompted by fear of an attack the Washington, D.C. sewage treatment plant halted their use of chlorine and switched to safer chemicals just eight weeks after September 11th and eliminated a Bhopal like threat to more than a million area residents.

*** Your bill relies almost exclusively on fence-line security to protect communities from these threats. Faced with the possibility of terrorism of the magnitude of September 11th, security alone will not be sufficient. --- **Preventing plants from becoming targets by neutralizing their ability to be turned into WMDs is not only feasible, it can**

totally eliminate these risks. S. 157 requires beefed up security but it also elevates safer plant design and technology to an equal level with site security.

*** Although your bill mentions alternative technologies it allows the chemical plants to decide if safer technologies are a practical way to reduce risks. --- **S. 157 requires high priority facilities to prepare a prevention plan designed to eliminate or reduce the largest risks by including safer cost effective technologies.**

*** Your bill exempts the largest oil and chemical industry facilities from regulations allowing them to continue to rely on their existing trade own association programs. --- **S. 157 gives them credit for their programs but only after verifying that they meet the requirements in the new law.**

We are also overdue in addressing the enormous vulnerability of transporting these chemicals. No pending legislation addresses this looming hazard. Attached is a map showing a vulnerability zone created four blocks from the U.S. Capitol on the CSX freight line. The 14 mile radius of this zone represents the distance a cloud of chlorine gas could travel and remain hazardous. In addition to the U.S. Capitol and the White House there are 2.4 million residents living in this area.

The good news is that of the 150 most often shipped chemicals only 13 are “toxic by inhalation” (TIH). However once again, chlorine is a major threat with 100,000 rail shipments a year. Sixty-eight percent of the 100+ worst facility scenarios reported to the EPA involve 90 ton rail cars of chlorine.

In June, FBI specialist on WMDs, Troy Morgan, addressed a chemical industry conference 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.”*

According to a simulation developed by the Naval Research Laboratory a toxic gas cloud, such as chlorine, released from a railroad tank car between 12th & 14th streets could drift over a crowded Fourth of July Mall putting “100,000 people or more at risk in a 15 to 30-minute time span. During this interval several square miles of city can become lethally exposed and people can die at a rate of 100 per second.”

Given the availability of safer alternatives, **chemical safety should NOT be optional.** Legislation that fails to require the use of safer technologies to prevent these tragedies should be opposed.

Sincerely,

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