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Admiral David Stone, Administrator
Transportation Security Agency
400 7th Street, SW
Washington, D.C. 20590

Dear Admiral Stone,

In a series of letters to federal departments and agencies including the Department of Transportation and your agency (August 10, 2001, July 1, 2003, October 3, 2003 and January 23, 2004) we have urged your administration to implement an immediate ban on the shipment of ultra-hazardous materials through highly populated areas such as Washington, D.C. We understand you are now in the process of formulating a new policy with regard to the vulnerability of these shipments to terrorists as they pass through Washington, D.C.

Unfortunately the Federal Railroad Administration's statements at the January 23, 2004 D.C. City Council hearing and comments made to the media by administration officials has thus far opposed legislation to reroute these shipments. In particular the administration has claimed that there has yet to be specific terrorist threats to these cargoes. This approach flies in the face of everything we learned after September 11th and more recently on March 11th in the Madrid rail attacks and additional threats against French trains.

The failure to prevent this kind of attack is unacceptable but sadly consistent with the Bush administration's 2002 about-face on chemical security in Congress. This stubborn resistance to regulation combined with the unwillingness to take action until there is a specific threat fails to incorporate key lessons learned from the September 11th attacks and now the March 11th attacks in Madrid. Were there specific warnings before the September 11th and March 11th attacks, apparently not? In contrast, following September 11th, the airline industry has been subject to new regulations requiring extensive new screening measures and other security precautions.

The most significant difference between the airline and hazardous materials transport industries is that shipping ultra-hazardous chemicals through highly populated cities such as Washington, D.C. is unnecessary and completely preventable. In the case of D.C. we know there are re-routing options. If there are areas with no re-routing options, smaller shipment quantities and less toxic substances are available. Although the latter option is not as immediately available, Washington, D.C. did convert its sewage treatment plant from chlorine within eight weeks following the September 11th attacks.

During the September, 2003 NFL/Britney Spears extravaganza on the Mall and the President's State of the Union message these shipment were held back. Also, within a month following the September 11 attacks, U.S. and Canadian railroads also imposed a moratorium on shipping "poison by inhalation" chemicals such as chlorine. Unfortunately, that moratorium lasted only 72 hours. This acknowledges the threat these shipments pose while continuing to gamble with the lives of millions of Americans the rest of the days of the year.

On October 24, 2002 the FBI warned that, "operatives may try a variety of other attack strategies, such as destroying key rail bridges and sections of track to cause derailments or targeting hazardous material containers. Recently captured al-Qa'ida photographs of U.S. railroad engines, cars, and crossings heighten the intelligence community's concern of this threat."

In June, 2003 an FBI specialist on weapons of mass destruction, addressing a chemical industry conference on homeland security, warned, "*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.*"

In October, 2003 an alleged al Qaeda "scout" was sentenced to 20 years for planning to derail trains in or near Washington, D.C. The impossibility of guarding every mile of railroad is vividly illustrated by the ubiquitous presence of graffiti on railroad cars, tunnels and walls. In fact, British intelligence has used graffiti as an indicator of where the IRA may have easier access to various targets in the UK.

On January 23, 2004 a senior scientist at the Naval Research Laboratory, testifying before the D.C. City Council estimated that more than 100,000 people are at risk within just the first 15 to 30 minutes of a catastrophic accident or attack. He warned that "lethally exposed people can die at the rate of 100 per second." Previously, the U.S. Army Surgeon General estimated that 2.4 million people could be killed or injured in a terrorist attack on a U.S. chemical facility. In addition, the Brookings Institute found that U.S. chemical plants represent the third highest risk of fatalities from possible terrorist attacks.

CSX has estimates that 8,500 rail cars of hazardous materials pass through Washington, D.C. each year. Based on a December 2000 Argonne Laboratory report for the Department of Transportation, only 10 of the 150 most shipped hazardous materials are toxic-by-inhalation (TIH). These are the most likely substances (chlorine, ammonia, hydrogen fluoride, etc.) to be turned into a weapons of mass (WMD).

The U.S. Environmental Protection Agency (EPA) and chemical industry standard scenario for a "worst-case" accident involving a 90-ton rail car of chlorine assumes a disaster zone with a fourteen-mile radius. With the Capitol Hill freight line as ground zero, census data show that 2.4 million area residents, plus the Capitol and the White House and Department of Transportation are well within this zone. In fact, the CSX

tracks are shared with Amtrak, VRE and MARC trains and they travel parallel with Metro trains.

The Solution

The bill (B15-0525) currently before the D.C. City Council provides an immediate solution for the Nation's Capital. The Terrorism Prevention and Safety in Hazardous Materials Transportation Act of 2003 prohibits the transport of large quantities of dangerous chemicals unless:

- There is no practical alternative route.
- The ultimate destination is an approved facility located in D.C.
- An emergency requires passage through D.C.

Your agency will play an integral role in implementing B15-0525, and your support of this bill is crucial. We further urge you to reject any suggestion to preempt the D.C. government on an issue of such importance to public safety and national security.

Virtually all users of TIH substances can convert to safer available materials. It is unconscionable for industry to place millions of Americans at undue risk, while claiming that 100-year-old obsolete chemicals are essential to our 21st economy.

Sincerely,

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