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September 11, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear President Obama,

Eight years after the September 11th attacks, U.S. chemical plants still remain one of the most vulnerable sectors of America's infrastructure to terrorist attacks. Just 300 of the 6,300 chemical facilities identified as "high risk" by the Department of Homeland Security (DHS) put 110 million Americans at risk of serious injury or sudden death in the event of an attack or accident. As a Senator and candidate for President, you championed legislation to eliminate these risks.

We are very concerned, however, that your administration has yet to support the chemical security legislation now pending in Congress. In fact, in a recent meeting with DHS staff we were told that your administration is considering a major retreat on this issue, including reversing your support of policies that will eliminate these threats. This would also undermine the legislation now under consideration in Congress. As we observe the eighth anniversary of 9/11 we cannot think of a better time for you to clarify your administration's support for this legislation (H.R. 2868 & H.R. 3258 as introduced).

In the coming weeks, the House Energy and Commerce Committee plans to take up these bills. The ultimate test of their success is whether they will require security measures that protect neighboring communities in the event of an attack on a chemical plant. In your 2006 Senate floor speech introducing legislation that would have contained these requirements you said, "*... by employing safer technologies, we can reduce the attractiveness of chemical plants as a target...Each one of these methods reduces the danger that chemical plants pose to our communities and makes them less appealing targets for terrorists.*"

Additional statements are on video at: <http://vimeo.com/6036562>

You were correct: the bills you sponsored, supported and voted for in the U.S. Senate and championed in your campaign for President are exactly what is needed to address these vulnerabilities. **As you finalize your position on this legislation, we recommend that you also schedule a tour of at least one the 284 chemical facilities that have eliminated these risks to 38 million people in 47 states since 1999 using safe chemical processes.** A complete list is at: www.americanprogress.org/issues/2006/04/b681085_ct2556757.html



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As you know, we don't have much time. The temporary statute Congress enacted in 2006 will expire before the end of 111th Congress. That 740-word interim law lacks the teeth needed to protect the millions of Americans living downwind of chemical facilities that use and store large quantities of poison gases. Among the fatal flaws in the temporary law are:

- It prohibits the federal government from requiring any specific "security measure," including the use of safer and more secure chemical processes that can eliminate catastrophic hazards posed by poison gas, even when cost-effective alternatives are readily available;
- It exempts thousands of chemical facilities, including approximately 2,650 water treatment plants and port facilities, many of which put major cities at risk, and
- It fails to involve plant employees in the development of vulnerability assessments and security plans or protect employees from excessive background checks.

In 2004 the Homeland Security Council projected that an attack on a chemical facility would kill 17,500 people, seriously injure 10,000 more people and send an additional 100,000 people to the hospital.

We all know the chemical industry is trying to pressure Congress into making the inadequate interim law permanent. But as you said when they fought your chemical security bill in the Senate, *"We cannot allow chemical industry lobbyists to dictate the terms of this debate. We cannot allow our security to be hijacked by corporate interests."*

The good news is that these horrific hazards are preventable, often by a simple switch from a poison gas to a safer liquid. A survey of converted plants found that 87 percent switched to safer chemical processes for \$1 million or less and a third expected to save money. The conversion will provide more jobs, dramatically lessen liability for facilities and increase longer term profitability for the plant and job security for workers.

To that end, we need your leadership today in support of the enactment of H.R. 2868 (as introduced on June 15, 2009) and H.R. 3258 that will:

- 1) Reduce the consequences of an attack through the use of safer cost-effective chemical processes (including \$225 million of funding for conversion in 2011);
- 2) Include all facilities such as water treatment plants and port facilities;
- 3) Involve plant employees in developing plant security programs and give employees protection from excessive background checks;



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- 4) Ensure equal enforcement, including citizen enforcement suits, for chemical facilities and accountability for government;
- 5) Allow states to set more protective security standards;
- 6) Require collaboration between the DHS, EPA and other agencies to avoid regulatory redundancy, inconsistency or gaps in supply chain security.

Other industry sectors do not buy the chemical industry line. In February 2008, the Association of American Railroads said, *"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."*

We look forward to working with you and your staff on this urgently needed legislation.

Sincerely,

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