

Congress of the United States

Washington, DC 20515

September 26, 2001

The President
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to bring to your attention an important step that your Administration can take in protecting our nation from terrorist attacks. Specifically, we request that you allocate \$7 million of the recently enacted Emergency Supplemental Appropriations Act to fully fund reports that assess the vulnerability of the nation's chemical facilities.

In 1999, Congress passed the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRA), P.L. 106-40. Enactment of CSISSFRA was motivated by concerns raised by the chemical industry and others that terrorists may target the nation's chemical facilities. CSISSFRA requires the Attorney General to evaluate the vulnerability of chemical facilities to criminal or terrorist activity, to report this information to Congress, and to make recommendations to Congress about steps to reduce the vulnerability of these facilities.

The potential consequences of a terrorist attack on a chemical facility could be catastrophic -- exposing tens of thousands of civilians, if not more, to plumes of dangerous chemicals. Unfortunately, there is very little information available regarding the vulnerability of chemical facilities to terrorist attack. The reports required under CSISSFRA are intended to provide answers to Congress' questions about these risks.

Unfortunately, the first report required by CSISSFRA is more than a year overdue. This report, called an interim report in the statute, was required to be completed by August 5, 2000. Congress required the completion of this interim report in order to provide an opportunity for the industry to take voluntary steps to reduce any vulnerability prior to congressional action. It was also intended to give the Administration the opportunity to consider action under existing authorities. The final report, which is required to be completed by August 5, 2002, is intended to help Congress assess whether further legislation would be appropriate.

Because of the crucial role of the interim report in this statutory scheme, it should be completed immediately. The final report should also be completed by the statutory deadline, if not earlier.

The best information currently available about the vulnerability of chemical plants comes from the Agency for Toxic Substances and Disease Registry (ATSDR). At the time that Congress was considering CSISSFRA, ATSDR had analyzed the vulnerabilities of chemical facilities to terrorist attack in several areas of the country including Las Vegas, Nevada, and Kanawha County, West Virginia.

The ATSDR's findings were troubling:

1. **The locations of chemical facilities are easily identified.** ATSDR reported that street maps at local convenience stores provided sufficient information to identify the locations of chemical facilities and industrial sites.
2. **Security at chemical facilities ranges from fair to very poor.** While security levels varied among facilities, every community examined had insufficient security. Even when confronted with a controlled gate, ATSDR found that often another gate, open and unattended, allowed unhampered access to chemical facilities. Few, if any, facilities are hardened against terrorist attack.
3. **Security around chemical transportation assets ranges from poor to nonexistent.** In every community, ATSDR found rail cars containing cyanide compounds, flammable liquid pesticides, liquified petroleum gases, chlorine, acids, or butadiene parked alongside residential areas. Access to these rail cars was unrestricted. ATSDR found that facilities used to transfer hazardous chemicals from rail car to trucks often had no security whatsoever.
4. **Some chemical facilities lacked important safety equipment.** ATSDR found that some chemical facilities lacked important safety equipment such as vapor cloud suppression equipment. This equipment would not only be helpful in reducing the consequences of terrorist attacks, it would also reduce the consequences of chemical accidents.
5. **Security could be improved by increasing awareness.** ATSDR found that complacency and lack of awareness of terrorist risks resulted in security gaps. ATSDR found that facilities owned by larger companies tended to have better security than those owned by smaller companies.

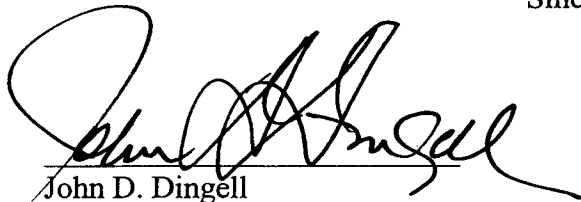
These findings from ATSDR underscore the need for a comprehensive analysis, including onsite evaluations of actual facilities, in the interim and final reports. Unfortunately, after CSISSFRA was enacted, the Department of Justice (DOJ) stated that it did not have adequate funding to complete these reports. DOJ's congressional affairs staff informed us that they estimated that the reports would require \$6 to \$7 million to conduct. They also stated that \$750,000 was the minimum amount of money needed to complete the interim report.

On September 14, 2001, Congress passed the Emergency Supplemental Appropriations Act for Recovery and Response to Terrorist Attacks on the United States, FY 2001. This Act makes \$40 billion available to Administration. We urge you to allocate \$7 million, which amounts to only 0.01% of these funds, to fund the reports required by CSISSFRA on the vulnerability of chemical plants.

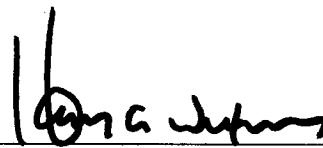
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We look forward to working with you to address the vulnerabilities of the nation's chemical facilities.

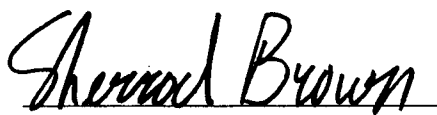
Sincerely,



John D. Dingell
Ranking Minority Member
Committee on Energy and Commerce



Henry A. Waxman
Ranking Minority Member
Committee on Government Reform



Sherrod Brown
Ranking Minority Member
Subcommittee on Health
Committee on Energy and Commerce



Diana DeGette
Member of Congress