

**TESTIMONY OF DR. ANDREA KIDD TAYLOR BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS
SUMMARY**

Congress should consider any legislation that will replace dangerous chemicals with more secure alternatives. Substituting more secure alternatives for hazardous substances, where technically and economically feasible and comparable risks are not shifted, is the best way to protect workers, their families, and their communities. By switching to more secure technologies, the facilities are no longer potential terrorist targets.

Workers and their representatives should be involved in all aspects of their facility's chemical security program. Hourly workers and their representatives know the workplace and its vulnerabilities best. The inclusion of workers in assessing their facility's vulnerabilities and developing a response plan should be required.

Federal legislation should not pre-empt successful state laws. Any chemical plant security legislation adopted by the states should be just as effective as the federal law; but it should not be pre-empted if the state regulations are stronger and more protective.

If background checks of employees are necessary, an adequate redress process must be available to employees, in case of faulty information, limited access to background check information and disqualifying criteria related to terrorist activity (For example, a prior conviction for a non-violent drug offense committed outside of the workplace should not be considered relevant to a terrorism background check).

Once a chemical plant security plan is adopted and implemented, employers should be required to provide mandatory employee training; and the training should be conducted annually.

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SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS
OF
THE COMMITTEE ON ENERGY AND COMMERCE
THURSDAY, JUNE 12, 2008
10:00 AM**

Madam Chairwoman Solis, Ranking Member Shadegg and members of the Subcommittee on Environment and Hazardous Materials, thank-you for hearing my testimony today regarding the proposed legislative bills - H.R. 5533, the “Chemical Facilities Act of 2008”, and H.R. 5577, the “Chemical Facility Anti-Terrorism Act of 2008”. I am an assistant professor at Morgan State University’s School of Community Health and Policy in Baltimore, Maryland. Prior to my current position, I was a political appointee and the labor representative on the U.S. Chemical Safety and Hazard Investigation Board (CSB), a board patterned after the National Transportation and Safety Board (NTSB) to conduct chemical accidents at fixed facilities. Before my board appointment, I worked for almost 10 years with the United Auto Workers (UAW) Health and Safety Department in Detroit, Michigan, conducting in-plant health and safety investigations and evaluating industrial hygiene data at facilities represented by the UAW in locations throughout the United States.

I am here today on behalf of labor to urge you to support this chemical plant security legislation and also to highlight areas in the bill that need additional language to further protect workers and the broader community. As a member of the CSB, I had an opportunity to tour several chemical facilities and communities where chemical accidents occurred around the country. In the course of conducting our investigations, and

reviewing and submitting our investigation reports, I was made keenly aware of just how vulnerable many of our facilities were to a terrorist attack, and how workers and communities surrounding these facilities were also not aware of how vulnerable they were if a major chemical disaster occurred. Enacting legislation that comprehensively covers chemical facility security and provides for collaboration between EPA and DHS will assist in providing the necessary protections for millions of workers and communities now living in the shadow of preventable disasters.

Chemical plant vulnerability and plant security are very important issues for labor. If there is a terrorist attack on a chemical facility, workers at the facility will be the most vulnerable and the first ones to suffer the most adverse consequences. In any chemical facility security bill that is passed by Congress, the following areas should be addressed and emphasized:

1. Reduce the consequences of an attack through the use of more secure technologies and less hazardous chemicals.
2. Involve workers and/or their representatives in all aspects of the plant's chemical security program, including conducting plant vulnerability assessments and developing plant security and emergency response plans.
3. Allow states to set more protective security standards.
4. Protect workers against the misuse of background checks and the information collected, and allow adequate redress.
5. Ensure whistleblower protections against retaliation.
6. Provide employees with adequate and comprehensive training.

Congress should consider any legislation that will replace dangerous chemicals with more secure alternatives. Substituting more secure alternatives for hazardous substances, where technically and economically feasible and comparable risks are not shifted, is the best way to protect workers, their families, and their communities. By switching to more secure technologies, the facilities are no longer potential terrorist targets.

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