

**Is The Federal Government Doing Enough To Secure Chemical Facilities?**  
**HSGAC Hearing Statement**  
Senator Joe Lieberman  
June 15, 2005

Madam Chairman, thanks for calling this second in a series of hearings on the security of our nation's chemical plants. With thousands of facilities scattered throughout our 50 states, chemical security is a key component of our overall homeland defense. We've been told in no uncertain terms by independent observers that not nearly enough has been done to address this danger. The experts say the consequences of an attack on any one of these facilities could well dwarf the horror we witnessed on September 11<sup>th</sup>. Your willingness to take on this deficiency is a real act of public service, and I'm confident that together we will bring forth legislation this year that begins to eliminate our vulnerabilities in this area.

The chemical industry pervades our economy. From oil refineries to waste water treatment plants and food processing, from the energy sector to defense and pharmaceutical companies - all manufacture, use, or store industrial chemicals and pesticides in large quantities, in thousands of locations throughout the country, often near large population centers.

Yet, for the most part, the industry is required by no one to take basic precautions. Even so, the most responsible players are adopting some voluntary standards. The Maritime Transportation Security Act of 2002 and the Bioterrorism Act of 2002 sought to improve security at a number of chemical and water treatment facilities. And several states are taking matters into their own hands. But far too many facilities that use extremely hazardous chemicals remain outside the patchwork of laws and regulations and self-protection now in place.

The testimony from our first hearing, held on April 27, was chilling. Former White House Deputy Homeland Security Advisor Richard Falkenrath – who famously said the federal government had “essentially done nothing,” to protect against terrorist attacks on chemical plants – called the chemical sector, quote, “our most serious civilian vulnerability.” End of quote. When he looks at the potential terrorist targets that could cause the most mass casualties, and which are relatively easy to breach, Falkenrath said chemical plants are the most obvious choice.

Steve Flynn, who has developed significant expertise in homeland security issues, likened the nation’s 15-thousand chemical facilities to, and I

quote, “15-thousand weapons of mass destruction littered around the United States.” End of quote.

And it seems clear, from discussions with representatives of the chemical industry and my staff, the industry generally believes that if armed force is necessary to repel an attack by terrorists at a plant gate, it would rely on local law enforcement to supply it. That puts tremendous pressure on local police - a burden we cannot assume they are ready to bear.

Add to this the fact that the CIA and Department of Justice for years have issued warnings that terrorists have tried, and will continue to try, to obtain and use chemicals as weapon, you have to ask how we could go for so long without, at a bare minimum, a nationwide assessment of chemical plant security. I want to hear from the Department of Homeland Security today when it expects that analysis to be completed.

Even if we had a risk assessment and a strategy for how to improve security, we would still be near the starting line because of limited first responder capability. At our April hearing, Carolyn Merritt, the Chairman of

the U.S. Chemical Safety Hazard Investigation Board told us that emergency response to chemical accidents was more often deficient than not.

This is troubling information under any circumstance. It is doubly so at a time when the Department suggests that much of the burden of defending chemical facilities, and preventing an attack in the first place, rests with local officials, then refuses to provide the resources necessary for local jurisdictions to fulfill that mission.

Madame Chairman, we have been warned of the dangers of a chemical catastrophe, and yet, we are still a great distance from putting a meaningful security apparatus in place. DHS has launched a number of voluntary security initiatives with the chemical industry. But the Government Accountability Office says these programs are still in their infancy while others question the likelihood of success at any stage. Allow me to quote Richard Falkenrath again. He said, quoting now, “It is a fallacy to think that profit-maximizing corporations engaged in a trade as inherently dangerous as the manufacture and shipment of... chemicals will ever voluntarily provide a level of security that is appropriate given the larger external risk to society as a whole.”

As representatives of that larger society, we in the government have a responsibility to act. Thus far from the administration, we have seen only inaction and indecision. Based on its prepared testimony today, the Department of Homeland Security still has not decided what additional authorities it needs to secure the chemical sector. In October 2002, EPA Administrator Whitman and soon-to-be Homeland Security Secretary Ridge promised to work with Congress on legislation, saying voluntary measures alone were insufficient to provide the level of assurance Americans deserve. Almost three years later, according to the testimony we've received, the Department will tell us that the existing approach is insufficient, but it still isn't ready to discuss the specifics of what it needs to get the job done. Administration indecision and inaction leaves us no farther along towards effective security standards for the chemical industry today than we were then. That, Madame Chairman, is irresponsible governance.

Millions of Americans are at grave risk today because the chemical industry is wide open to attack. First responders are still ill-equipped to respond and voluntary efforts are insufficient when so many lives are at stake.

The Administration must make clear what it wants and needs so that we may avoid another national nightmare. Then it must commit to working with this Committee, in a bipartisan way, to develop a solution to one of our most lethal security liabilities.

Thank you to the witnesses here today for appearing before us. You have an important role to play, and we look to you for guidance. Thank you, Madame Chairman.

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