



United States Senate
Committee on Homeland Security and Governmental Affairs
Senator Susan M. Collins, Chairman

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Opening Statement

Senator Susan M. Collins

Chairman, Committee on Homeland Security and Governmental Affairs

“Is the Federal Government Doing Enough to Secure Chemical Facilities and Is More Authority Needed?”

June 15, 2005

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Today, the Committee is holding its second hearing on the security of our nation’s chemical industry against terrorist attack. Our first hearing, on April 27th, examined the chemical sector’s vulnerability to terrorism. Today, we will seek answers to the central questions that hearing raised: what has been done to secure these vital facilities; what remains to be done; and is federal legislation needed.

We will hear from our distinguished panel of witnesses that federal legislation is indeed needed to give the Department of Homeland Security the authority it needs to effectively improve the security of chemical sites. The clear statement from the Administration that it supports new legislation and will work with this Committee to draft a bill is a welcome and appreciated development. While I had hoped for more detail on what specific authority the Administration believes is needed, the acknowledgment that current laws are inadequate is a positive first step.

For in the case of chemical security legislation, the devil truly will be in the details. In September 2003 and again in March 2004, President Bush stated his support for legislation that establishes “uniform standards” for the security of chemical facilities. Yet, a bipartisan legislative approach, backed by the Administration, has not yet emerged.

There have been previous efforts. Former EPA Administrator Christine Todd Whitman worked with Tom Ridge, then Director of the White House Office of Homeland Security, to develop legislation that would have given the EPA authority to regulate chemical plant security. According to Governor Whitman, however, the legislation was killed by a combination of congressional opposition and tepid Administration support.

In the previous Congress, despite the efforts of Senator Inhofe and Senator Corzine, a consensus was not reached on a chemical security bill. This issue is too important to give in to gridlock and accept inaction. We need to work together, and we need to eliminate the stumbling blocks that have tripped up legislative efforts in the past.

The stakes are high. As we learned at our first hearing, the EPA has cataloged some 15,000 facilities in the United States that manufacture, use or store hazardous chemicals for productive, legitimate purposes in amounts that could cause extensive harm if turned against us as weapons. The Department of Homeland Security uses a different methodology but still has identified 3,400 facilities that could affect more than 1,000 people if attacked. Only a fraction of the nation’s chemical facilities are regulated for security by the federal government or subscribe to voluntary industry security standards.

The potential for catastrophe is not merely theoretical. The Committee is cognizant of the 1984 tragedy at Bhopal, India, when more than 3,000 died after an accidental release at a pesticide plant.

And just a year ago in Dalton, Georgia, a reactor overheated and released a plume of toxic vapor. This accident sent 154 people to the hospital. Carolyn Merritt, Chairman of the U.S. Chemical Safety and Hazard Investigation Board, has described this incident as the “poster child” of our chemical vulnerability.

In January of this year, a derailed train car in South Carolina released chlorine gas, a common chemical used throughout industry. Ten people were killed by the toxic fumes and 250 were injured.

Nor is the potential for terrorists to instigate a chemical catastrophe merely theoretical. As Stephen Flynn of the Council on Foreign Relations told this Committee at our first hearing, the chemical industry is at "the top of the list" of al-Qaeda and other terrorist groups. The chemical industry, said Commander Flynn, “absolutely screams at you as essentially a weapon of mass destruction.”

In describing the risks associated with attacks on chemical facilities, we often hear the phrases “time bombs” and “Achilles heel.” At first glance, these metaphors seem apt. In truth, however, they miss the mark. Time bombs succeed in their deadly work because they are hidden; the intended victims do not know of their existence until it is too late. These chemical facilities are not hidden. We know they exist, we know precisely where they are and what they contain. So do the terrorists.

Preparing for a potential attack on a chemical facility is primarily about prevention. But it is also about response. I look forward to the testimony we will hear today from the Deputy Assistant Administrator of the Environmental Protection Agency on the agency’s role as coordinator of response to chemical releases – accidental or intentional – at most chemical facilities. We will also hear from the Department of Homeland Security about inspections of chemical sites and other actions it is taking.

I have quoted two witnesses from prior Committee hearings to remind us of the threat of a terrorist attack on our chemical infrastructure. A statement by a third witness reminds us of why this Committee must act. Richard Falkenrath, former Deputy Assistant to the President for Homeland Security, called the failure to regulate the security of chemical facilities, and I quote, his “major disappointment.” He testified further that, “to date, the federal government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.”

It is time to reduce the vulnerability of our nation’s chemical facilities to attack. It is time for us to work together to draft a bipartisan bill.

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