

# **Protect America From Chemical Terrorism Oppose Inhofe Amendment**

The Chemical Facility Security Act (S.994) by Senator Inhofe may be offered as an amendment to the 9/11 Commission legislation. Unfortunately this legislation would leave millions of Americans vulnerable to chemical terrorism while providing a false sense of security.

## **Loophole for Voluntary Industry Programs**

Instead of clear federal standards for chemical plant security and safety, the Inhofe amendment would lead to a patchwork quilt of standards developed by industry lobbying groups. The American Chemistry Council lobbied heavily for a loophole that would direct the head of the Department of Homeland Security (DHS) to bless their voluntary security code as an alternative to federal standards. {Sec. 3 (c) and (d)} The Council's voluntary program purposefully excludes the possibility of armed guards for chemical plants and discourages the use of safer technologies that could reduce the volume of hazardous chemicals. Though it has been in place since 2002, the ACC's code has repeatedly been exposed by investigative reports – most recently by 60 Minutes- as a public relations exercise. Though crafted at the behest of ACC, this loophole would likely be exploited by other trade groups with similar voluntary programs. Instead of a coherent federal security policy, the amendment would result in a loosely managed effort to check up on the voluntary programs of trade associations.

## **No Role for Safer Technologies**

Unlike previous chemical security proposals (by both the Bush EPA and Senate Democrats), the Inhofe amendment shortchanges the role of safer technologies in chemical plant security. The omission is striking in that the replacement of the hazardous substance with a non-hazardous or less-hazardous one is perhaps the most obvious response to the possibility that terrorists would purposefully unleash these dangerous chemicals. Indeed, after September 11<sup>th</sup>, the local authorities in Washington, DC, at the behest of the federal government, switched the local sewage treatment plant from using highly hazardous chlorine gas to the safer liquid form of chlorine. The change reduces the risk to hundreds of thousands of DC residents without the need for costly security. The Inhofe plan would require facilities to consider these technologies, but would not require them to implement them even when cost-affective.

## **Government Experts Locked Out**

The Inhofe bill strangely avoids all mention of the Environmental Protection Agency (EPA), the one agency with expertise in chemical storage and management and staff spread throughout the country. Though the legislation allows DHS to consult with other agencies, these agencies are prohibited from doing "field work." This provision would bar the use of EPA inspectors, and possibly inspectors from state and local agencies, to help enforce the law. Why wouldn't we want all available government resources to help solve this problem?

## **Public and Congress Locked Out**

The Inhofe amendment would also unduly restrict public and Congressional access to information about how the law is being implemented. Although everyone agrees that detailed information about specific security plans should be kept confidential, there is a long tradition of granting the American public access to information about hazards in their communities. Americans can currently find out which facilities near them house hazardous chemicals so that they can better protect their families in the case of an emergency. They should be able to find out whether a facility plans to reduce the hazards it poses to their neighborhood with safer technologies, and if not, what the barriers are. The public can and should be harnessed as an ally in the war on terrorism and not be confused with the enemy.