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LIEBERMAN STATEMENT ON SECURITY OF CHEMICAL FACILITIES “MILLIONS OF AMERICANS AT RISK”

WASHINGTON – Homeland Security and Governmental Affairs Committee Ranking Member Joe Lieberman, D-Conn., delivered the following statement Wednesday at a Committee hearing on the vulnerability to terrorist attack of the chemical industry.

Madam Chairman, thank you for holding this first of what we hope will be a series of hearings on a critical gap in our homeland security. Once again, you have demonstrated your willingness to roll up your sleeves and tackle the hard issues and chemical security is certainly one of the hard ones. But it is an area of such serious vulnerability that we can't be deterred by its complexities. I appreciate your leadership and, as always, I'm pleased to work with you and the other members of this Committee to try to address this hole in our homeland defense. I'm confident that we're going to get something done this session of Congress.

No one can doubt that the vast and diverse chemical industry is central to our way of life and to our economy. We rely on a multitude of chemical substances in our daily lives, from cleaning compounds, to life-saving medicines, to home heating oil. Chemical plants, oil refineries, waste water treatment plants, and pharmaceutical companies all manufacture and store industrial chemicals and pesticides in large quantities in thousands of locations throughout the country, often near larger population centers. The consequences of an attack on any one of these facilities would be disastrous.

The fact is, a chemical release from at least 123 plants scattered throughout the land could endanger more than a million people, according to the Environmental Protection Agency, and 3,000 facilities around the country could threaten 10,000 people. Furthermore, the Army Surgeon General has determined that as many as 2.4 million people could be killed or injured in a terrorist attack against a toxic chemical plant in a densely populated area. These are mega-disasters that could occur.

We have ample evidence that terrorists are working along these lines and intend to in the future as well. The Congressional Research Service reports that during the 1990s both international and domestic terrorists attempted to use explosives to release chemicals from manufacturing and storage facilities close to population centers. At least two of these incidents occurred in the U.S. One of the 1993 World Trade Center bombers was employed as a chemical engineer and used company stationery to order chemicals for a bomb used in that attack. Those same terrorists stole cyanide from a chemical facility and were training to introduce it into the ventilation systems of office buildings. In a 2002 report the Justice Department described the threat posed by terrorists to chemical facilities as – quote - “both real and credible” – end quote -for the foreseeable future. And, it has been reported that U.S. troops found chemical trade publications in Al Qaeda camps in Afghanistan.

It doesn't take much imagination to picture the pain terrorists could inflict by attacking a chemical facility. Two decades later, the Bhopal horror is still fresh in our minds. At least 4,000 people were killed and an estimated 400,000 injured from the release of a toxic gas cloud from a chemical plant in central India in 1984. More

recently, when a train recently derailed in South Carolina and ruptured a chlorine gas tanker car, 10 people were killed by the lethal fumes which, according to EPA, affected an area two miles downwind from the derailment. This was not a worst-case event since the gas release was not instantaneous, but occurred over several days. If that had been an intentional strike on a chlorine gas facility in a dense area, the death toll could have been staggering. Indeed, the experts continually tell us that the casualties of the 9/11 attacks could pale by comparison to an attack on a chemical facility in a densely populated area.

Given our knowledge of the terrorists' desire to stage deadly chemical attacks, some of the more responsible companies aren't waiting for Congress to tell them how to improve their security. I know the Department of Homeland Security is working with industry on several security initiatives. The Maritime Transportation Security Act of 2002 and the Bioterrorism Act of 2002 legislated important measures to improve security at a number of chemical and water treatment facilities. And several states are on the road to better chemical security.

But millions more Americans continue to be at risk, and many facilities that use extremely hazardous chemicals are not covered by the patchwork of laws and regulations now in place. When the lives and livelihoods of so many Americans are at stake, relying on voluntary initiatives by the chemical industry to adequately protect us simply is not enough.

So, how much progress has the government made to address this threat? Richard Falkenrath, former White House deputy homeland security adviser, whom we will hear from today, has told this Committee that since 9/11 – quote – “we have essentially done nothing” – end quote. That is an unacceptable reality.

Senator Corzine – whose testimony I eagerly await this morning -- has worked diligently to move legislation through the Congress, and I supported his efforts last session. Unfortunately, the status quo has proven unmovable so far. The Administration has voiced support for legislation in the past, but actions speak louder than words – and thus far, it has not provided the leadership necessary to pass legislation to protect the American people.

I look forward to hearing DHS's views at a future hearing and I hope the Administration will commit to working with this Committee on a bipartisan basis to pass effective legislation.

I'd like to thank the witnesses here today for sharing their expertise with us. You can help us better understand the gravity of the situation that confronts us, and provide guidance as we work to craft solutions.

Thank you again, Madam Chairman, for providing your unique brand of leadership on yet another issue central to the security of millions of Americans.