

**Chemical Facility Security: What is the Proper Federal Role?**  
**Senator Joe Lieberman**  
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As Chairman Collins has noted, this is the third in a series of hearings this Committee has held on chemical site security. Since there are not many subjects that get three hearings before this Committee in three months, it should be lost on no one that the Chairman and I consider chemical security to be a particularly urgent challenge for this Committee and for the nation.

This hearing comes less than one week after terrorists demonstrated, yet again, their intention and capacity to attack and kill innocent civilians, to find and exploit weaknesses in our homeland defenses. And even though the most recent incident was an attack on London's mass transit system, it was a very loud and painful warning that we need to be vigilant to identify and close vulnerabilities in our own country. By any measure, the chemical industry today is one of the sectors in American life most vulnerable to terrorist attack.

At our first hearing, we heard compelling testimony about the potential risk posed by chemical sites across the nation. We were told that chemical facilities represent potential "weapons of mass destruction." If released through accident or an intentional attack, the chemicals stored or manufactured in these plants could kill thousands of people in surrounding communities. Indeed, a new Congressional Research Service report indicates that roughly 100 facilities in 23 states could harm a *million* people or more if attacked.

At our second hearing, the Department of Homeland Security weighed in with its analysis. The Department agreed that chemical facilities pose a serious risk from terrorist attack. And, while outlining significant new initiatives by the Department and the chemical industry, the Department conceded that these voluntary measures are not enough. Rather, the Department said we need new legislation to ensure that all facilities that use or store significant amounts of hazardous chemicals, and therefore pose a terrorism risk, are subject to minimum security standards.

Today, we will hear from key segments of the chemical industry and from other stakeholders – those who work at chemical sites and environmental and safety advocates who have worked closely on issues relating to the operation of chemical facilities. These witnesses really can help us answer some of the most difficult questions we need to answer before crafting chemical security legislation.

For example, one of our witnesses today, the American Chemistry Council, developed a security code for its members after 9/11. I hope to learn more about what this code requires - its strengths and weaknesses - and how it might inform any federal statutory mandates for chemical facilities.

Another important issue is local preparedness and response. While some chemical facilities have clearly tried to improve security themselves, they also rely on local officials to secure the area outside their gates and respond in the event of an accident or an attack. Based on

testimony at our earlier hearings and on interviews by our Committee staff, I am concerned that state and local officials will need far more resources than they now have to carry out these responsibilities. I hope today we can get some clarity about this division of labor and figure out what needs to be done to ensure effective response and capability.

Third, I also am concerned that too many citizens who live near chemical facilities have not been adequately prepared or informed about what to do if there is a breach at a chemical facility.

Finally, perhaps the most difficult question to answer, we have to resolve the critical question of how to define and regulate security. Some have argued that any legislation should be limited to physical security measures such as gates, surveillance cameras, or access controls. Others say these types of measures will never stop a determined terrorist, and that we must instead figure out how to reduce potential damage from these sites. Some have said we must look into alternative substances or technologies to reduce the amount of harmful chemicals it employs, or configure them in ways that minimizes the risk of a hazardous release.

I know there is great disagreement about whether these issues should be addressed in chemical security legislation, but there should be no disagreement, and I don't believe there is, about the need to make our chemical processes as safe as possible. The question is how to best get there.

Although the Administration is not testifying today, I'm sure they are listening, and so I want to reiterate the request I made at our last hearing that the Administration and relevant departments take a real leadership role in crafting chemical security legislation, and I know you and I are willing to work with them. We need the benefit of the Administration's work on this issue and its recommendations on legislation it believes is needed. Thank you.