



United States Senate
Committee on Homeland Security and Governmental Affairs
Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement for Chairman Joseph Lieberman
“Chemical Security: Assessing Progress and Charting a Path Forward”
Homeland Security and Governmental Affairs Committee
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As Prepared for Delivery

Good morning, we call this hearing this morning to review the federal government’s efforts to strengthen the security of hundreds of chemical sites around our country, and to chart, if we can, a path forward to reduce the possibility that terrorists could take advantage of existing security vulnerabilities at these sites.

In the aftermath of 9/11, all of us developed a new awareness of potential targets of terrorists in our homeland. Many quickly realized that some of our nation’s most robust and varied industries – while obviously a source of great economic strength and job creation –also inherently posed substantial security risks, if attacked. And that included the many facilities that produce or use hazardous chemicals that could be turned against us and converted, effectively, into pre-positioned weapons of mass destruction.

In a worst case scenario, a successful attack on a facility using toxic chemicals in a densely populated area – and we know that those facilities do exist – could put hundreds of thousands of lives at risk. So there was a need for action.

In 2005 and 2006, under the leadership of Senator Collins, this Committee spent a fair amount of time exploring these risks and drafting legislation to address the threat. I was pleased to cosponsor that legislation, and while it did not itself become law, it certainly helped prompt Congress, in late 2006, to grant the Department of Homeland Security (DHS) limited authority to begin a chemical site security program. DHS has taken up that charge and launched the Chemical Facilities Antiterrorism Standards program, which is known as CFATS. The Department deserves credit for the hard work it has done to design and begin to implement these standards. It is a particularly challenging task because of the wide array of companies that use potentially dangerous chemicals, and the limited guidance Congress gave in the initial authorization.

Today we want to take stock of how the program is faring and determine how to strengthen it going forward, since – the program’s initial three-year authorization has lapsed, and we are now operating on a one-year extension.

I’m pleased to say that though there was intense controversy over whether to begin a chemical security program at all - because of opposition to government regulation in this area - there now seems to be general agreement that CFATS is making a positive contribution to our national and homeland security and should be continued. So the question becomes should we improve it and, if so, how can we improve the CFATS program as we extend it?

I want in this statement to briefly discuss two issues that are commonly cited by some as ways to add strength to the program. First, the current authorization exempts drinking and waste water facilities, even though we know that some of these facilities would pose a high risk to surrounding communities in the event of a terrorist attack because of the chemicals used there. Does that exemption make sense? Personally, I join with the Administration in thinking that exemption leaves a troublesome security gap.

Second, the current authorization is silent on the issue of “inherently safer technology” or IST, the practice of using safer chemicals or processes to reduce the risks at a chemical facility. I think it’s important to look at these alternatives as part of a comprehensive security system, since they are the only foolproof way to defeat a terrorist determined to strike a chemical facility. There are encouraging developments on this front. For instance, Clorox recently announced it will begin substituting high strength bleach for chlorine in its manufacturing process, a move that should greatly reduce the transport and storage of toxic chlorine gas in relation to its operations. I know that some of my colleagues strongly oppose mandating inherently safer technology systems, or even mandating consideration of them, but we’re going to have a good healthy debate on that as we move forward, and we should.

The House has already passed a CFATS reauthorization bill, which is H.R. 2868, which has been referred to this Committee. The House bill would make significant changes in the program – such as including an IST component and creating parallel security programs for drinking and waste water facilities at the Environmental Protection Agency.

Closer to home, here in the Senate and this Committee, Senators Collins, Pryor, Voinovich and Landrieu have offered a five-year reauthorization of the existing rules, and that is senate bill 2996. So we have before us two different approaches on how to move forward and we may hear additional ideas today from the witnesses or from other members of the Committee.

We are fortunate to have before us today as witnesses some Administration and private-sector leaders on these issues and we will call on them soon and forward to their testimony.

Senator Collins?