

**Prepared Statement of
Senator Thomas R. Carper
July 28, 2010**

Thank you, Mr. Chairman. First, I'd like to thank you and Senator Collins and your staffs for your work on this issue. It's a difficult and complicated one that we've been struggling for almost as long as I've been in the Senate, both here in this committee and in the Environment and Public Works Committee, where I also serve. So, I understand as well as anyone how hard it can be to come to a consensus on chemical security legislation.

As my colleagues are aware, the Department of Homeland Security has been working with the chemical industry and chemical facility owners for several years now to better secure their facilities and protect against the consequences of a terrorist attack. Owners of facilities deemed at high risk must perform vulnerability assessments and develop security plans to address identified vulnerabilities. Facility owners who don't implement their security plans can even face punishments.

The program is still young. I'm told that the Department is building its chemical security staff, while reviewing security plans and conducting facility inspections. But the bill on the agenda today would expand on the work done so far – some would argue dramatically so – by seeking to address vulnerabilities in drinking water and wastewater facilities. It would also set up a process whereby Homeland Security officials could require that the very riskiest facilities implement safer processes and/or less dangerous chemicals. These safer processes and chemicals have come to be called “inherently safer technology.”

I believe that vulnerable drinking water and wastewater facilities are largely exempted from the Department of Homeland Security's existing chemical security efforts. We're actually holding a hearing later today in the EPW Committee to discuss that very issue, one I hope that Congress will address.

I'd like to focus for a couple minutes today on the “inherently safer technology” issue. I know that some of my colleagues and some of the experts on this issue have argued that it's impossible to really define what the words “inherently safer technology” mean. The argument has also been made that it may not be cost-effective or even appropriate to force chemical companies who know their business better than we ever could to implement specific changes in their operations. But I would argue that – several years now into the important work the Department of Homeland Security has been doing on this issue – it's time to have a conversation about whether we're doing all that can be reasonably expected of us to secure chemical facilities and protect those who live near them. And that conversation probably should include a discussion of whether chemical facility owners should be asked to think even more than they do today about how they can go about their business every day in a safer way.

I can understand why some might think that the language in the underlying bill calling for some mandatory implementation of safer technologies might go too far, especially when our focus on chemical security is relatively new. That's why I've put forward an amendment that would

extend the current chemical security program at the Department of Homeland Security for three years while, at the same time, asking chemical facility owners to at least start thinking about safer technologies. Under my language, facilities deemed risky enough to be involved in the department's program would be asked over the next two years to consider whether safer processes or safer chemicals make sense for them. They would then report back to the department on what they learned. In some cases, facility owners might find that it wouldn't be cost effective to make major changes at their plant. In others, an owner might decide to make some changes that he or she might not have considered before. Those changes could be what it takes to make the plant less at risk of attack or even less of a terrorist target to begin with. The results of these reviews on the part of chemical facilities would go a long way towards informing us when we go about reauthorizing again in a few years.

My language is based in part on a law that's been in place in New Jersey since 2006. I'm told that, since that law has been in place, almost half of the participating chemical facilities have decided to implement some type of safer technology.

I know that Senator Collins has put forward a different approach. She's worked hard on this issue and has the votes to succeed in her efforts to amend this bill. I appreciate the work she has put into her language. I actually intend to support her efforts because I see her amendment as the best chance we have before us today to start the discussion I mentioned should happen on safer technologies at chemical facilities in the coming years. Her provision on technical assistance and the sharing of best practices among chemical facilities can be helpful in getting that discussion going. And her decision to limit reauthorization to three years rather than five gives us a chance to explore these issues at a time when there might be more consensus around the idea of considering and implementing safer technology.

I don't intend to seek a vote on my amendment at this time, but I didn't want to miss a chance to raise these issues. We still have work to do on chemical security in this Congress if we want to build on the work being done at the Department of Homeland Security. The work being done in New Jersey that my staff and I drew inspiration from for my amendment could be helpful as we seek to bridge the gap between the House and Senate approaches on chemical security after this business meeting concludes today.