

United Steelworkers (USW)
CWA-UAW Legislative Alliance
International Chemical Workers Union Council/UFCW
International Brotherhood of Teamsters (IBT)
Service Employees International Union (SEIU)

10/30/2009

Dear Representative:

The House will soon take up H.R. 2868, The Chemical and Water Security Act of 2009. The undersigned organizations urge you to vote for passage and to oppose any weakening amendments. Every day, hundreds of thousands of workers stand on the front lines, working skillfully and diligently to ensure the safety of our nation's chemical-related facilities. Since September 11, these workers have stood ready to make an additional contribution to workplace prevention, preparedness and response related to possible terrorist attacks. Serving on the front lines, we know that the job of protecting our facilities and our country cannot be accomplished without us.

The most foolproof way to prevent our facilities from being turned into weapons of mass destruction by terrorists is to eliminate or minimize the amounts of the very substances, which if released into the environment, could kill or harm workers and the people in surrounding communities. Across the country, facilities have made major progress by switching to safer chemicals and processes to now pose less of a threat to their workforce and surrounding communities in the event of a major chemical release.

Safer technologies aim to eliminate or minimize the potential for catastrophic events by designing hazards out of the process systems. Safer technology design strategies include: substituting for highly hazardous substances with less hazardous ones, minimizing levels of hazardous materials, moderating hazards with the use of alternative forms of materials, and changing the processes, temperatures, pressure or concentration where possible. Such improvements limit not only the desirability of sites as terrorist targets but also the consequences of such an attack. Further, safer technology improvements reduce overall day-to-day risks of an unintentional incident affecting the plant, its workers, the community, and the environment.

H.R. 2868 has limited language for the implementation of methods to reduce the consequences of a terrorist attack, where technically and economically feasible, at those facilities that present the greatest release risk. It applies only to those methods that they themselves have developed.

In our judgment, the legislation adequately protects jobs by requiring DHS to show that implementation of security plans "would not significantly and demonstrably impair the ability of the owner or operator of the covered chemical facility to continue the business of the facility at its location." We oppose amendments that purport to protect jobs but, in fact, only hinder the implementation of methods to reduce the consequences of a terrorist

attack. In addition, we oppose any attempt to exempt small businesses, since this could exempt some of the highest risk facilities, including one that puts 12 million people at risk.

The potential for loss of life and economic disruption from an attack on one of these plants is staggering and the need for Congressional action to address the preventable hazards these plants pose to millions of workers, firefighters, police officers, and residents in surrounding communities is long overdue. Perimeter security alone can never ensure a site's safety from terrorist attacks and can divert scarce resources away from overall chemical plant safety. Cost-effective safer, more secure technologies are already commonly used in a wide variety of facilities including water treatment plants, power plants, oil refineries and other manufacturers and this legislation has reasonable steps for its adoption at key facilities. Now is the time to move forward with this legislation that provides a means for the much needed protections. We urge you to vote for passage of H.R. 2868 and to oppose any weakening amendments.

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