

AFL-CIO – Communications Workers of America (CWA) - International Brotherhood of Teamsters
 International Chemical Workers Union Council (ICWUC) - Service Employees International Union (SEIU)
 United Food and Commercial Workers (UFCW) - Blue Green Alliance – Breast Cancer Fund
 United Automobile Aerospace and Agricultural Implement Workers of America (UAW)
 United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers
 International Union (USW) - American Federation of State, County and Municipal Employees (AFSCME)
 Beyond Pesticides - Center for Environmental Health - Natural Resources Defence Council (NRDC)
 Center for Health, Environment & Justice - Center for International Environmental Law
 Citizens' Environmental Coalition – Clean Water Action - Ecology Center – Environment America
 Environmental Defense Fund – Environmental Health Fund - Environmental Health Strategy Center
 Friends of the Earth – Greenpeace – Health Care Without Harm - Healthy Child, Healthy World
 League of Conservation Voters – OMB Watch – Public Citizen - Sierra Club
 Physicians for Social Responsibility - U.S. Public Interest Research Group - Kristen Breitweiser
 Advocates for Environmental Human Rights - Air Alliance Houston – Alaska Community Action on Toxics
 Alliance@IBM (CWA 1701) – Alliance of Nurses for Healthy Environments – Earth Day Coalition
 Citizens for Sanity.com, Inc. – Clean and Healthy New York – Clean Production Action - Environment Texas
 Deep South Center for Environmental Justice - Empire State Consumer Project - Indiana Toxics Action
 Global Community Monitor - Farmworkers Association of Florida – Green Science Policy Institute
 Healthy Building Network – Investor Environmental Health Network – Kentucky Environmental Foundation
 Los Jardines Institute (The Garden Institute) - Mossville Environmental Action Now – NJ PIRG
 National Bucket Brigade Coalition – National Refinery Reform Campaign – NYPIRG
 New Jersey Work Environment Council – Northwest Atlantic Marine Alliance – Public Citizen, Texas
 Oregon Physicians for Social Responsibility - Science and Environmental Health Network – Second Look
 Just Transition Alliance - T.E.J.A.S – VPIRG - Western Broome Environmental Stakeholders Coalition
 Women's Health and Environmental Network - Women's Voices for the Earth – Sciencecorps
 Clean Air Coalition of Western New York - Basel Action Network - New Jersey Environmental Federation
 The Praxis Project – GreenFaith - ECHO Ecological Health Organization – POWER
 Center for Community Change - National Domestic Workers Alliance - Oregon Environmental Council
 Concerned Citizens of Wagon Mound and Mora County – Southwest Workers Union – Jobs with Justice
 Clean Water Network - Physicians for Social Responsibility, Los Angeles - The Green Door Initiative
 Asian Pacific Environmental Network - Arizona Physicians for Social Responsibility - Worksafe, Inc.
 Louisiana Bucket Brigade - International Campaign for Responsible Technology
 WE ACT for Environmental Justice - Coastal Women for Change - Gert Town Revival Initiative, Inc.

May 16, 2012

Dear President Obama;

Given the continuing gridlock in Congress, we are writing to urge you to take executive action to ensure that high-risk chemical facilities fulfill their obligation under the Clean Air Act to prevent the catastrophic release of extremely hazardous chemicals. According to chemical facility reports to the Environmental Protection Agency (EPA), more than 480 chemical facilities each put 100,000 or more people at risk of a poison gas disaster. In 2004, the Homeland Security Council projected that an attack on a poison gas facility would kill 17,500 people, seriously injure 10,000 more people, and send an additional 100,000 people to the hospital. In 2006, you referred to these hazards as ***"stationary weapons of mass destruction spread all across the country."***

Later in 2006, Congress passed a 740-word law which temporarily authorized the Department of Homeland Security (DHS) to issue new rules now called the Chemical Facility Anti-Terrorism Standards. Unfortunately this statute explicitly bars the DHS from requiring any specific "security measure," including the most fool-proof measure: safer chemical processes that can eliminate catastrophic poison gas hazards. It also exempts thousands of chemical facilities, including approximately 2,400 water treatment facilities and hundreds of port facilities, including the majority of U.S. petroleum refineries.

In 2009, to correct the flaws in the 2006 law, the DHS and EPA asked Congress for new authority to require high-risk chemical facilities to assess safer chemical processes, and for the highest risk facilities to implement safer processes where feasible. In addition, the DHS and EPA asked Congress to eliminate the exemptions for water treatment and port facilities. In November 2009, the House of Representatives adopted a comprehensive bill (H.R. 2868) that would have corrected these fatal flaws. Since then, this legislation has been blocked by the petro-chemical lobby and their allies in Congress.

Until Congress acts responsibly, the only way to ensure communities are protected from chemical disasters is to fully enforce the 1990 Clean Air Act. The Clean Air Act's "general duty clause" obligates all chemical facilities to be designed and operated to prevent catastrophic chemical releases. By issuing new rules and guidance, the EPA can both prevent accidental chemical disasters and reduce the attractiveness of these facilities as terrorist targets.

In 2002, the EPA drafted just such a proposal that would have made chemical facilities **"inherently safer by reducing quantities of hazardous chemicals handled or stored, substituting less hazardous chemicals for extremely hazardous ones, or otherwise modifying the design of processes to reduce or eliminate chemical hazards."** Tragically, the Bush administration scuttled this plan.

In a March 14, 2012 letter, the National Environmental Justice Advisory Council (NEJAC) urged EPA Administrator Lisa Jackson to adopt such a proposal, saying **"the Clean Air Act's prevention authority will not only eliminate accidental hazards but will also address fatal flaws in the current chemical security law..."**

On April 3, 2012, former EPA Administrator Gov. Christine Todd Whitman also wrote Administrator Jackson. Whitman said the 2006 law **"is extremely limited"** in preventing chemical disasters and concluded by saying, **"I therefore fully support the implementation of the NEJAC recommendations and any other authorities you can apply to reduce these hazards before a tragedy of historic proportions occurs."**

Fortunately, safer cost-effective chemical processes are widely available. Since 2001, hundreds of chemical facilities have switched to safer chemical processes and eliminated these risks to 40 million people in 47 states. And in November 2009, the Clorox Company announced plans to convert all of its U.S. facilities. While this is encouraging, reliance on voluntary efforts has left more than 100 million people in the U.S. at risk because they live and work inside "vulnerability zones" surrounding the high risk chemical facilities.

Businesses are also negatively impacted. Due to their potential liability for hauling poison gases, the Association of American Railroads issued a statement in 2008 saying, **"It's time for the big chemical companies to do their part to help protect America. They should stop manufacturing dangerous chemicals when safer substitutes are available..."**

In the Senate you were a leader on preventing chemical plant disasters. And in *Change We Can Believe In* your 2008 campaign promised that **"An Obama Administration will...Secure our chemical plants by setting a clear set of federal regulations that all plants must follow, including improving barriers, containment, mitigation and safety training, and wherever possible, using safer technology, such as less toxic chemicals."**

We respectfully urge you to use your authority under the Clean Air Act to ensure the use of safer chemical processes to eliminate these catastrophic hazards wherever feasible, whether they are triggered by accident or terrorism. We look forward to working with you and your staff on this critical initiative.

Sincerely,

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