

SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS HEARING ENTITLED, "H.R. 5533, THE CHEMICAL FACILITIES ACT OF 2008, AND H.R. 5577, THE CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008"

Today's hearing before the Subcommittee on Environment and Hazardous Materials on legislation to enhance the security of our Nation's chemical facilities seeks to address a serious and significant matter relating to the health and safety of our communities.

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Washington, D.C. — Rep. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce, inserted the following statement into the hearing record this morning at a Subcommittee on Environment and Hazardous Materials hearing titled, "H.R. 5533, the Chemical Facilities Act of 2008, and H.R. 5577, the Chemical Facility Anti-Terrorism Act of 2008."

Today's hearing before the Subcommittee on Environment and Hazardous Materials on legislation to enhance the security of our Nation's chemical facilities seeks to address a serious and significant matter relating to the health and safety of our communities. The Committee on Energy and Commerce has broad experience, expertise, and jurisdiction in matters dealing with security of chemicals and chemical plants and the dangerous consequences that could result from a release of chemicals such as chlorine or ammonia. Other chemicals like ammonium nitrate and nitric acid, which can be used in making explosives, also present serious security risks and warrant special attention.

Almost

10 years ago, this Committee required the Attorney General to review and evaluate the state of chemical facility security, including the security of transportation of regulated substances. Unfortunately, the Attorney General failed to complete the final evaluation and report that was due in June 2002.

Following the September 11, 2001, attack on the World Trade Center and the Pentagon, the Committee on Energy and Commerce authored a set of amendments to the Safe Drinking Water Act to address security issues at community

drinking water systems. These amendments required approximately 8,400 community water systems to prepare vulnerability assessments and emergency response plans. The Environmental Protection Agency (EPA) has unique expertise with water security as the President has recognized in making the agency the lead Federal agency for protecting critical infrastructure relating to water security. I see no reason to change this assignment of responsibilities.

With respect to security at chemical facilities, however, the Administration, in the five years after the attacks of 9/11, failed to submit legislative proposals to the Congress. Efforts by EPA to use authorities of the Clean Air Act to address security at chemical facilities were derailed within the Administration.

The Department of Homeland Security's current legislative authority comes from a provision inserted in the 2006 Department of Homeland Security Appropriations Act (PL 109-295). Because the House leadership at the time followed an irregular and unwise process of circumventing the jurisdictional Committees of the Congress, the expertise and experience of many Members of this Subcommittee and the full Committee on Energy and Commerce were lost.

The current authority of the Department of Homeland Security, however, sunsets in October 2009, so further action by Congress will be necessary. I ask that all Members of the Subcommittee closely scrutinize the program being implemented by the Department of Homeland Security and diligently work to fashion effective and protective chemical security legislation.

I thank the gentle lady from California for chairing this important hearing.

Prepared by the Committee on Energy and Commerce

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