

Obama & Obama Administration Examples of Support for Chemical Disaster Prevention

The Audacity of Hope, 2006

*"...let me suggest at least one area where we can act unilaterally and improve our standing in the world – by perfecting our own democracy and leading by example. When we continue to spend tens of billions of dollars on weapons systems of dubious value **but are unwilling to spend the money to protect highly vulnerable chemical plants in major urban centers**, it becomes more difficult to get other countries to safeguard their nuclear power plants."*

Senator Obama, March 29, 2006:¹

"Industrial chemicals such as chlorine, ammonia, phosgene, methyl bromide, hydrochloric and various other acids are routinely stored near cities in multi-ton quantities. These chemicals are extraordinarily hazardous. Several are identical to those that were used as weapons during the First World War... These plants represent some of the most attractive targets for terrorists looking to cause wide spread death and destruction..."

*"Basically **these plants are stationary weapons of mass destruction spread all across the country**... It's a travesty that the 9/11 Commission, in looking at what has been done over the last five years gave us basically an 'F' when it came to chemical plant security. So what I've done working with Senator Frank Lautenberg from New Jersey, is to introduce legislation that would protect our communities from this potential threat but in a balanced way. There are features in this bill that I think have to be part of any chemical security legislation passed by this Congress, and Congress has to go ahead and actually act on legislation in this area."*

*"So here are a couple of things that the bill does. Number one: it establishes a general duty to improve security at facilities storing threshold amounts of chemicals. What that means is that chemical facilities would have to take steps to improve security including improving barriers, containment, mitigation, safety training, and where possible, use safer technology. **That is known as Inherent Safer Technology, or 'IST,' what that means is essentially, plants should use less toxic chemicals, and employ safer procedures where possible.**"*

Senator Obama, March 30, 2006:²

"But there are other ways to reduce risk that need to be part of the equation. Specifically, by employing safer technologies, we can reduce the attractiveness of chemical plants as a target."

"This concept, known as Inherently Safer Technology, involves methods such as changing the flow of chemical processes to avoid dangerous chemical byproducts, reducing the pressures or temperatures of chemical reactions to minimize the risk of explosions, reducing inventories of dangerous chemicals and replacing dangerous chemicals with benign ones. Each one of these methods reduces the danger that chemical plants pose to our communities and makes them less appealing targets for terrorists."

"Unfortunately, the chemical industry has been lobbying nonstop on this bill. They do not want IST, they do not want protection of state laws, and they do not want strict regulations. So far, because the industry wields so much influence in Washington, it's been getting its way."

*"This is wrong. **We cannot allow chemical industry lobbyists to dictate the terms of this debate. We cannot allow our security to be hijacked by corporate interests.**"*

¹ Excerpted from pod-cast regarding introduction of S. 2486 <http://obamaspeeches.com/059-Improving-Chemical-Plant-Security-Obama-Podcast.htm> (accessed December 7, 2011).

² Excerpted from Senate Floor Speech upon introduction of S. 2486 <http://obamaspeeches.com/059-Improving-Chemical-Plant-Security-Obama-Podcast.htm>

Senator Obama, June 21, 2006:³

“Thank you, Chairman Inhofe and Ranking Member Jeffords for holding this hearing...I do wish we could have held it sooner, before this Committee passed what I believe is an insufficient wastewater security bill and before the Senate Homeland Security Committee passed chemical plant security legislation that did not include strong IST provisions.

*“... **IST is an integral part of chemical plant security**, and I welcome a thorough debate of this issue. Because I think a lot of misleading arguments have been made about what IST is and isn't, and it's important to clear up some these misconceptions.*

“For instance, we've heard that IST is in ‘the early stages of development,’ even though it's been used in the chemical industry for nearly 30 years. Saying IST is in its infancy is a little like saying the personal computer is in its infancy.

“We've heard that IST is an environmental issue, that's been repeated in earlier statements, not a security one, even though the Departments of Justice and Homeland Security, and even the American Chemistry Council have embraced IST as part of chemical plant security in the past. And most recently, a National Academy of Sciences study, commissioned by DHS, endorsed the adoption of IST as ‘the most desirable solution to preventing chemical releases from terrorist attack.’ Time and again, experts have agreed that IST is the most effective approach to eliminating terrorist threats to chemical facilities.

“We've heard that IST is too expensive, but that doesn't have to be the case. A recent survey of nearly 300 facilities that switched to safer technologies since 1999 found that 87 percent spent less than \$1 million, and one half reported spending less than \$100,000 in applying IST. Thirty-four percent of survey participants actually expected to save money or improve profitability in part because IST reduces the need for barriers, secondary containment, security training, and liability concerns.

“We've heard that IST merely shifts risks rather than eliminates them. I understand that some of the witnesses today will base their argument on the theoretical example of a facility that reduces its inventory of a dangerous chemical but then has to make more frequent shipments, which in turn places more chemicals in the transportation system. In fact, there are hundreds of real-world examples of wastewater facilities switching from chlorine gas to liquid bleach, or manufacturing plants using lower temperatures or simplified processes to reduce risk.

“If anything, the theoretical example cited by these witnesses only highlights the need for DHS to play a role in the IST decision making process to ensure that individual facilities are not making short-sighted decisions that merely shift risks elsewhere.

*“There is one thing we can all agree on: any chemical plant security legislation must be comprehensive and rational. It should balance the need to keep us safe with the need to continue producing chemical products that are essential to our economy. **I believe that the IST approach needs to be a part, not the whole, but a part of a rational comprehensive security legislation without it we're leaving a huge gap in our ability to manage the risks that these facilities represent.**”*

³ Excerpted from Senator Obama's opening statement at an Environment and Public Works Committee hearing on IST, webcast available at: http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Choose&Hearing_id=d04878fe-802a-23ad-4b6e-5dfc40f1f744 (accessed December 7, 2011)

Senator Biden, June 21, 2006:⁴

“The issue of inherently safer technologies in my view is in fact critically important to homeland security...

“To eliminate the threat posed by roughly 100 water treatment facilities that threaten over 100,000 individuals each it would cost \$125 million dollars. Thus an investment of less than half a billion dollars would eliminate the threat to nearly 60 million people.

“Because the transition to safer technologies would result in savings by reductions in guns guards, gates and bureaucratic expense it seems to me the costs would even be lower... This is a good use of federal resource... in the process we protect millions of Americans and reduce the strain on local law enforcement and first responders.”

He concluded by quoting a December 15, 2005 9/11 Commission report, “it’s time we stopped talking about setting priorities and actually just set some...”

Senator Biden, February 16, 2007:⁵

“While section 550 does not authorize the Department of require implementation of safer technologies, the Department of Homeland Security should, at bear minimum, encourage safer technologies that could reduce the risks to our citizens. If safer technologies can permanently eliminate the risk posed by a chemical plant, this step should be strongly considered. It will make American safer and allow the Department to utilize its scarce resources towards other vulnerabilities. In my view, eliminating risk, whenever possible, should be the highest priority for the Department, and your failure to take any meaningful step with your proposed regulation is short-sighted.”

Presidential Candidate Obama, League of Conservation Voters 2008 presidential questionnaire:⁶

“In March 2006, I joined Senator Frank Lautenberg (D-NJ) to introduce a tough chemical plant security bill that contains many of the provisions in H.R. 5695.”

Presidential Candidate Obama, Greenpeace March 16, 2008 questionnaire:⁷

*“Yes. I introduced legislation in 2006 with Sen. Frank Lautenberg (D-NJ) to require facilities to use safer chemicals or processes whenever feasible. The Chemical Safety and Security Act would establish a clear set of federal regulations that all chemical plants must follow. **The bill requires chemical facilities to enhance security, including improving barriers, containment, mitigation, and safety training, and, where possible, using safer technology, such as less toxic chemicals.** It also included protections for wastewater treatment and drinking water treatment facilities, and makes clear that state and local governments are not preempted from adopting chemical security protections stronger than federal law.”*

⁴ Excerpted from statements of Senator Obama and Senator Biden at an Environment and Public Works Committee hearing on IST, webcast available at: <http://vimeo.com/6036562> <http://vimeo.com/6036651> (accessed December 7, 2011)

⁵ Excerpted from Senator Biden’s letter to Michael Chertoff, Department of Homeland Security. February, 16, 2007.

⁶ Excerpted from Candidate Obama’s response to League of Conservation Voters’ presidential candidate questionnaire, available at: <http://www.washingtonpost.com/wp-srv/nation/green/2008PresidentialQuestionnaire.pdf> (accessed December 7, 2011)

⁷ Excerpted from Candidate Obama’s response to Greenpeace’s 2008 presidential candidate questionnaire: <http://www.greenpeace.org/usa/Global/usa/binaries/2010/4/obama-questionnaire-response.pdf> (accessed December 7, 2011)

“Change We Can Believe in Barack Obama’s Plan to Renew America’s Promise,” 2008 p.116:⁸

“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.”

Presidential Candidate Obama, September 10, 2008:⁹

“If we had started hardening our chemical plants and our ports in ways we still haven’t done and implemented the 9/11 Commission reports then, we couldn’t guarantee that 9/11’s not repeated, but we would be further along in making sure that America was safe.”

Presidential Candidate Obama, September 26, 2008:¹⁰

“We’ve got to make sure that we’re hardening our chemical sites.”

Presidential Candidate Obama, October 30, 2008:¹¹

“I think that chemical plant security is another where there chemical industry has been resistant to mandates when it comes to hardening their sites. But, you know what? If you’ve got a chemical plant that threatens 100,000, or a million people in New Jersey, we better have some say in terms of how serious they are about guarding that facility.

“Well, I think it’s a classic example of special interests lobbying. There has been resistance from the chemical industry. And it is this – again, an ideological predisposition that says regulation’s always bad. So, stay out of the market place. Well, look. I am a strong believer in the free market. I am a strong believer in capitalism. But, I am also a strong believer that there are certain common goods that you know – our air, our water, making sure that people are safe – that require us to have some regulation.”

President Elect Obama, Transition website:¹²

“Secure our Chemical Plants: work with all stakeholders to enact permanent federal chemical plant security regulations.”

White House website (accessed July 14, 2009):¹³

“We will invest in our Nation’s most pressing short and long-term infrastructure needs, including modernizing our electrical grid; upgrading our highway rail, maritime, and aviation infrastructure; enhancing security within our chemical and nuclear sectors; and safeguarding the public transportation systems that Americans Use every day.”

Assistant Administrator for Water, EPA, Peter Silva, October, 1 2009:¹⁴

⁸ <http://www.amazon.com/Change-We-Can-Believe-Americas/dp/0307460452>

⁹ Quoted from the September 10, 2008 episode of the Late Show with David Letterman, Candidate Obama appeared as guest.

¹⁰ Quoted from Candidate Obama during the first presidential debate against Candidate John McCain, September 26, 2008 <http://elections.nytimes.com/2008/president/debates/transcripts/first-presidential-debate.html> (accessed December 7, 2011)

¹¹ Quoted from Candidate Obama during a conversation with MSNBC’s Rachel Maddow http://www.msnbc.msn.com/id/27464980#_Tt_b2bJFsVc (accessed December 7, 2011).

¹² Excerpted from the President Elect Barack Obama’s transition team website http://change.gov/agenda/homeland_security_agenda (accessed December 7, 2011).

¹³ Excerpted from White House policy statements <http://www.whitehouse.gov/issues/homeland-security> (accessed December 7, 2011).

*“It is important to note that **the Administration has developed a set of guiding principles** for the reauthorization of CFATS and for addressing the security of our Nation’s wastewater and drinking water treatment facilities. These principles are:*

“1) The Administration supports permanent chemical facility security authorities and a detailed and deliberate process for doing so, hence our preference for that process to be completed in FY10.

*“2) Nonetheless, CFATS single year reauthorization in this session presents an opportunity to **promote the consideration and adoption of inherently safer technologies (IST) among high risk chemical facilities**. We look forward to working with this Committee and others on this important matter.*

“3) CFATS reauthorization also presents an opportunity to close the existing security gap for wastewater and drinking water treatment facilities by addressing the statutory exemption of these facilities from CFATS. The Administration supports closing this gap.”

Secretary of Department of Homeland Security, Janet Napolitano, July 7, 2010:¹⁵

“We support the idea of industry’s use of safer technology, such as less toxic chemicals, where possible, to enhance security.”

Director Office of Ground Water and Drinking Water Cynthia C. Dougherty, EPA July 28, 2010:¹⁶

*“It is important to note that the **Administration has developed a set of guiding principles** for the reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program and for addressing the chemical security of our nation’s wastewater and drinking water treatment facilities. These principles are:*

“1. The Administration supports permanent chemical facility security authorities.

*“2. CFATS reauthorization presents an opportunity to **promote the consideration and adoption of inherently safer technologies (IST) among high risk chemical facilities**. We look forward to working with this Committee and others on this important matter.*

“3. CFATS reauthorization also presents an opportunity to close the existing security gap for wastewater and drinking water treatment facilities by addressing the statutory exemption of these facilities from CFATS. The Administration supports closing this gap.”

DHS Undersecretary Rand Beers, February 11, 2011:¹⁷

“The Administration supports, where possible, using safer technology, to enhance the security of the nation’s high-risk chemical facilities. Similarly, we recognize that risk management requires balancing threat, vulnerabilities, and consequences with the costs and benefits of mitigating risk. In this context, the Administration has established the following policy principles in regard to inherently safer technologies (IST) at high-risk chemical facilities:

¹⁴ Excerpted from written testimony delivered before the House Energy and Commerce’s Subcommittee on Energy and the Environment. http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2009_1001_pss.pdf (accessed December 7, 2011).

¹⁵ Excerpted from keynote address to the Chemical Sector Security Summit in Baltimore, MD July 7, 2010.

¹⁶ Excerpted from written testimony delivered before the Senate Environment and Public Works Committee. http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0728_ccd.pdf (accessed December 7, 2011).

¹⁷ Excerpted from written testimony delivered before the House Energy and Commerce Committee http://www.dhs.gov/ynews/testimony/testimony_1301517368947.shtm (accessed December 7, 2011).

- ***“The Administration supports consistency of IST approaches for facilities regardless of sector.***
- ***“The Administration believes that all high-risk chemical facilities, Tiers 1-4, should assess IST methods and report the assessment in the facilities' SSPs.***
- ***“Further, the appropriate regulatory entity should have the authority to require facilities posing the highest degree of risk (Tiers 1 and 2) to implement IST method(s) if such methods demonstrably enhance overall security, are determined to be feasible, and, in the case of water sector facilities, consider public health and environmental requirements.***
- ***“For Tier 3 and 4 facilities, the appropriate regulatory entity should review the IST assessment contained in the SSP. The entity should be authorized to provide recommendations on implementing IST, but it would not have the authority to require facilities to implement the IST methods.***
- ***“The Administration believes that flexibility and staggered implementation would be required in implementing this new IST policy.”***

President Obama’s Executive Order #13650, “Improving Chemical Facility Safety and Security,” August 1, 2013

This executive order directs federal agencies to *“within 90 days [October 31st] of the date of this order, develop options for improved chemical facility safety and security that identifies improvements to existing risk management practices through agency programs, private sector initiatives, **Government guidance, outreach, standards and regulations.**”*

It also requires agencies to engage stakeholders, such as *“labor organizations representing affected workers, environmental and community groups”* to identify best practices, ***“including through the use of safer alternatives...”*** <http://www.whitehouse.gov/the-press-office/2013/08/01/executive-order-improving-chemical-facility-safety-and-security>