

**Testimony of Philip J. Crowley,  
Senior Fellow and Director of National Defense and Homeland Security,  
Center for American Progress  
before the House Subcommittee on  
Economic Security, Infrastructure Protection and Cybersecurity  
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I am P.J. Crowley. I direct the homeland security program at the Center for American Progress. I am grateful for the opportunity to testify on the Chemical Security Anti-Terrorism Act of 2006. It establishes a needed regulatory framework for the Department of Homeland Security to set national security standards for chemical facilities.

However, it is unclear whether DHS must evaluate the transportation of substances of concern. The bill appears to exempt drinking water facilities, even though a recent survey we conducted suggests these facilities offer the best opportunity to reduce terrorism risk to millions of Americans. Mr. Chairman, I have copies of the survey report with me and would ask that it be submitted into the record.

As attacks in London and Madrid and recent plots in Toronto and Miami demonstrate, we face an ongoing threat. Unless we take a comprehensive approach to chemical security, we will continue to provide terrorists with too many targets of opportunity.

We cannot protect everything. We must set priorities, and chemical security is one. This legislation can help, but to have its intended impact, risk assessments and security plans must take into account the manufacture, use, physical security, storage, and transportation of substances that create a vulnerability to terrorism. Many high risk chemical facilities and freight rail lines that support them are in major urban centers. One

line is adjacent to the Capitol, an intended target on 9/11. Why should we give al Qaeda another chance using a 90-ton HAZMAT rail car as a weapon?

This is not an arbitrary judgment but specific to the threat we face — that terrorists will attack where they can kill as many innocent civilians as possible and generate significant economic and political impact on our country.

There is a belief that markets can effectively handle terrorism risk, but the experience of the past five years challenges that assumption. This is an urgent need for action because we are going to be attacked again.

A risk-based strategy should include physical security and risk mitigation but also risk elimination. Secretary Chertoff is wrong to suggest as he did in March that secure alternatives have little to do with security. In fact, the Association of American Railroads endorses this as a necessary option. Where secure alternatives technologies, processes or other steps are readily available, we have an obligation to remove these facilities and communities from the terrorism target list.

The Center for American Progress surveyed 1,800 facilities deregistered from the Risk Management Planning program, a Congressionally mandated initiative which began in 1990 to improve disaster assessments and mitigation. Among our key findings:

- 284 facilities in 47 states switched to less hazardous practices. However, only 10 percent represented the highest risk facilities in our country.
- Change can be accomplished economically. 87 percent spent less than \$1 million, and roughly half reported spending less than \$100,000 to convert.
- Alternatives already exist in a range of applications, such as liquid bleach and ultraviolet radiation for drinking water and wastewater disinfection. However,

approximately 3,000 plants still use chlorine gas. This bill should not exempt them from better security planning.

There is a fairness issue. While many communities have eliminated threats to their people, they remain at risk because hazardous materials are still transported through these cities to other locations that have taken no action.

We cannot afford a strategic double-standard. The military is constantly exploring how to invest in new technologies that make us stronger. Why would we not take the same approach and employ secure alternatives to improve homeland security?

We need a comprehensive national strategy, not a series of disconnected local or regional actions. What needs to be done?

- DHS should be granted authority to promulgate security standards regarding the manufacture, use, physical security, storage, and transportation of acutely hazardous materials.
- Chemical facilities should do annual security risk assessments, including an evaluation of safer alternatives. Publicly traded companies should tell their shareholders how they are managing this security risk.
- DHS should embrace the concept of risk elimination and establish a Center of Excellence to promote solutions that reduce this vulnerability.
- The federal government should not preempt states that establish stronger standards. The federal government established minimum education standards under No Child Left Behind. However, states can still offer advanced placement courses. Federal action should strengthen security floors, not create ceilings.

- The federal government should offer incentives to promote change, including targeted grants, loans, tax credits, and caps on liability for facilities that go beyond physical security and adopt secure alternatives.

We must place greater emphasis on homeland security and narrow the potential for terrorists to successfully attack us here. Only through a comprehensive approach will we achieve the objectives of this legislation.