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Chemical Plants Face Oversight

White House Wary Of Industry Plans To Avert Attacks

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Internal Bush administration documents dispute the chemical industry's claims that it can improve security against terrorism without federal oversight, warning of at least 30 plants near heavily populated areas that require immediate government attention.

The draft documents, prepared by senior officials of the Environmental Protection Agency and the White House Office of Homeland Security, call for the EPA to work with industry leaders to develop vulnerability assessment guidelines, identify and correct problems related to the production and handling of hazardous chemicals, and obtain independent verification that the problems have been corrected.

Chemical plants would be required to consider adopting "inherently safer" technologies and to update their security plans every two years, according to the documents. Operators would face fines of up to \$27,500 a day for security violations.

The proposed rule changes are similar to provisions of a bill drafted by Sens. Jon S. Corzine (D-N.J.) and Harry M. Reid (D-Nev.) and approved July 25 by the Senate Environment and Public Works Committee.

But the rules have been bottled up for months because of strong opposition from industry officials and a spirited dispute in the administration. It pits EPA and Office of Homeland Security officials who favor the measures against Labor and Justice Department officials who have reservations about them.

EPA officials said a decision could be reached in a week or two. They hinted that the administration would likely move ahead with the regulations under the Clean Air Act instead of backing the Corzine-Reid bill.

Homeland Security Director Tom Ridge said setting the EPA standards is a "very high priority." Although many companies have voluntarily performed security reviews, he said, "I think it's very important that these assessments be done industry-wide."

Corzine has said the administration's indecision has left a "gaping hole" in homeland defense, and he urged the White House to get behind his legislation to make up for lost time. "I think it's unfortunate we have not responded to an obvious exposure and vulnerability," he said.

A chemical site security option paper prepared by Ridge's office said "there is a heightened concern" since the Sept. 11 attacks about the potential for attacks on plants manufacturing and handling dangerous chemicals.

Government officials and lawmakers moved swiftly after Sept. 11 to address security lapses at airports, water reservoirs, nuclear power plants and other critical areas. But the administration has done little to shore up security at chemical plants, leaving it to industry leaders to adopt their own security codes.

The administration documents say about 15,000 chemical plants and storage sites handle hazardous chemicals in sufficient quantities to make them attractive targets for terrorists. Yet only about 10 percent of the plants belong to the American Chemistry Council, which has developed new security guidelines.

At least 123 plants keep amounts of toxic chemicals that, if released, could form deadly vapor clouds that would put more than a million people in danger, according to an EPA study.

Officials of the American Chemistry Council have opposed legislation or stringent regulations, asserting that government red tape would impede the voluntary action underway to identify and correct vulnerabilities.

"EPA seems to be building on what we have started doing," said Chris VandenHeuvel, a spokesman for the industry group. "Our only concern is that they might do something that will slow down what we're doing."

The chemical industry has done an assessment of its sites and has begun to tighten security-- mostly by building fences, hiring more guards and eliminating stockpiles of deadly chlorine gas. The industry group has vowed to bring in independent parties, such as insurance groups, to verify the improvements.

But EPA and Homeland Security Office officials say voluntary measures are not enough because they do not assure that all sites will take reasonable security precautions and because they do not give the government the right to inspect when it deems necessary.

Under the proposal, EPA Administrator Christine Todd Whitman would dispatch investigators to at least 30 "high priority chemical facilities" to survey security and encourage improvements.

A White House "rollout," involving Whitman, Ridge, lawmakers and industry executives, was abruptly canceled in mid-June because of internal differences.

According to documents, officials of the Justice Department and the Labor Department's Occupational Safety and Health Administration questioned whether the EPA has authority under the Clean Air Act to enforce new security rules aimed at thwarting criminal activities. OSHA has criticized the EPA approach and instead favors a voluntary program. Justice officials also have been concerned that information prepared by the regulated plants might get "into the wrong hands," according to documents.

Rick Hind, a toxic chemical expert with Greenpeace, said, "Our fear is that they are neither coming out with a regulatory proposal or support for the Corzine legislation" because of industry resistance.

Staff writer Bill Miller contributed to this report.

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