

EPA Drops Chemical Security Effort

Agency Lacks Power to Impose Anti-Terror Standards, Lawyers Decide

By a Washington Post Staff Writer
Thursday, October 3, 2002; Page A17

The Bush administration has abandoned efforts to impose tough new security regulations on the chemical industry to protect against possible terrorist attacks, following months of intense internal fighting within the administration and resistance from the industry.

The decision marks a victory for major chemical manufacturers who have argued they can improve security without regulatory intervention.

Environmental Protection Agency Administrator Christine Todd Whitman, who confirmed the decision yesterday, said the administration now intends to support bipartisan legislation to address continuing security problems in the industry -- possibly a plan being drafted by Sen. James M. Inhofe (R-Okla.) that would give chief oversight responsibility to a new Department of Homeland Security.

But administration officials have scrapped efforts to give the EPA tough new regulatory authority under the Clean Air Act to force chemical plants to identify and rectify serious security problems in producing and storing hazardous materials.

"It's a question of which [approach] is more effective," Whitman said at a news conference yesterday, announcing new EPA homeland security strategies. While Whitman and Tom Ridge, the White House homeland security director, had strongly favored the regulatory approach to speed up the process, lawyers in other agencies prevailed in arguing that the EPA lacked the legal authority and would be "pushing the envelope," Whitman said.

She said there is still time this year for Congress to pass legislation to regulate chemical industry security. However, President Bush and Senate Democrats are deadlocked over legislation to create a Department of Homeland Security, and House leaders would be reluctant to act on chemical industry security this year even if the Senate were able to agree on a measure.

Anti-terrorism experts, environmentalists and some lawmakers say there is little doubt that plants storing large amounts of chlorine and other toxic chemicals are potential terrorist targets. Internal administration documents disclosed this summer warn of at least 30 plants near heavily populated areas that require immediate government attention.

"The administration's decision not to put forward their own chemical security plan and instead wait for some ambiguous, bipartisan bill later looks like political stalling that is likely to lead to further delay on public safety," said Jeremiah Baumann of the U.S. Public Interest Research Group. Rick Hind, a toxic chemicals expert with Greenpeace, called the administration's approach "an unbelievable nothing-burger."

The Senate Environment and Public Works Committee in late July approved a bipartisan bill drafted by Sen. Jon S. Corzine (D-N.J.) that would have required plants to identify vulnerabilities in their operations and develop plans to correct them, subject to EPA approval.

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Corzine had hoped to attach his bill to the homeland security department legislation, but his plan has encountered stiff resistance from the American Chemistry Council -- representing the largest chemical manufacturers -- and an array of other manufacturing and agriculture groups. Yesterday, Corzine said: "Chemical plant vulnerability remains a pressing homeland security concern. Federal standards are the only way to ensure that this threat is addressed adequately and consistently across the country."

Industry lobbyists said many companies already have done all that is necessary, including building fences, hiring more guards and eliminating stockpiles of deadly liquid chlorine. They said there were serious legal questions about whether the EPA could invoke the Clean Air Act to impose anti-terrorism standards on chemical plants.

Chris VandenHeuvel, a spokesman for the American Chemistry Council, said that while the industry "supports a federal role" in protecting chemical plants, "we just don't think it belongs at EPA."

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