

Congress of the United States
Washington, DC 20515

April 23, 2007

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

We are writing to convey our deep concern about the reported thefts and attempted thefts of 150 pound chlorine cylinders from several facilities in California, particularly in light of the recent use of such cylinders in fatal attacks in Iraq. We believe that these reports underscore the extreme danger that toxic chemicals pose and highlight once again the need for chemical facilities to switch to safer chemicals, technologies and processes whenever possible.

Recently, the Chlorine Institute issued an email (Attachment 1) to USA Packagers that indicated that in February and April of this year, a person or persons broke into a water treatment facility in California and stole a total of three full 150 pound cylinders of chlorine. According to the email, these incidents have been reported to the FBI. The same email also detailed two attempted but unsuccessful thefts of chlorine from two other California locations in late March.

As you know, in recent weeks there have been numerous fatal attacks in Iraq involving cylinders of chlorine. These events make clear the reality that the terrorist risk associated with these deadly chemicals is by no means theoretical. Moreover, the Chlorine Institute Pamphlet 74 entitled "Estimating the Area Affected by a Chlorine Release" puts the 'Immediately Dangerous to Life and Health' (IDLH, a term used to mean that one must escape within 30 minutes or risk harm or death) exposure distance of a 150 pound cylinder of chlorine at 0.6 miles.

These reported thefts and attempted thefts simply must be treated with the utmost sense of urgency. Consequently, we ask for your prompt responses to the following questions:

- 1) On what date was the Department of Homeland Security (DHS) made aware of each theft or attempted theft of chlorine described in the Chlorine Memo? Who made DHS aware of each instance?
- 2) Please fully describe all actions DHS took in response to these events, and what the status of the investigations is.

- 3) For the past 5 years, please provide a list of all U.S. thefts, losses or attempted thefts of materials that are toxic by inhalation. In each case please list the type of material, amount of material, location of material, date of the event, description of the event and resolution thereof.
- 4) As you know, water treatment facilities do not need to use deadly chlorine gas and can instead affordably use bleach or ultraviolet technology. In fact, a recent survey of water treatment facilities by the Center for American Progress¹ found that switching from chlorine gas to safer technologies cost no more than \$1.50 per person served by the facility per year. Based on the recent attacks in Iraq and on these domestic thefts and attempted thefts, do you believe that all water treatment facilities should immediately take steps to eliminate the use of chlorine? If not, why not?
- 5) When does DHS plan to issue regulations to ensure that the highest risk chemical facilities implement measures to reduce or eliminate the consequences of a catastrophic accident or terrorist attack by switching to safer chemicals or processes when it is economically and technologically feasible for them to do so? If you do not plan to issue such regulations, why not?

We appreciate your prompt attention to this matter. Please provide your response no later than Friday, May 25, 2007. If you have questions, please have a member of your staff contact Michal Freedhoff (Rep. Markey, 225-2836), Chris Beck (Rep. Thompson, 226-2616), Marla Greenberg (Rep. Langevin 225-2735), or Megan Uzzell (Rep. Solis, 225-5464).

Sincerely,


Edward J. Markey


Bennie G. Thompson


Jim Langevin


Hilda Solis

¹ http://www.americanprogress.org/issues/2007/04/pdf/chemical_security_report.pdf

Subject: Security Issue with 150 pound cylinders -Thefts and attempted Thefts

To: USA PACKAGERS

CC: CI Board of Directors

CI has received word of the following incidents related to theft or attempted thefts of 150 pound chlorine cylinders.

1. Two incidents occurring at the same water treatment site in California. The first was on February 20 and the second was on April 15.

In both cases, a person or persons broke in to a water treatment site and in the first incident one full chlorine cylinder was stolen and the second incident two full cylinders. These incidents were reported to the FBI by the chlorine supplier (a member company). The FBI initially thought the theft was a case of mistaken identity. (It was speculated that the thief/thieves assumed it was a different chemical useful for making drugs). With the second incident concerns were heightened.

2. The San Bernardino County Sheriff's Department in California reported an attempted theft of chlorine at a municipal water treatment plant in late March. Although the attempt was unsuccessful CI has asked for more details, but nothing has been received. The Riverside County Sheriff's Department in California also reported an unsuccessful theft in the City of Ellsinore, but no other details have been received.

CI reminds you that you need to quickly notify the local authorities in the event of a security breach or attempted breach. In most cases, this would include the FBI. CI suggests you have a procedure for such notification. The use of chlorine by terrorists in Iraq has heightened all our concerns, and we should be vigilant in doing all we can do minimize the possibility of unauthorized persons obtaining any type of chlorine container. Finally, CI requests that you notify us in the event of such a security breach. Notification can be to me or any of the technical staff.

Regards,

Arthur E. Dungan

President

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