

Statement for Committee on Government Reform
Hearing Date: February 23, 2004
Presented by Thomas W. Headley
Vice-chairman-Forward Township Board of Supervisors

Thank you for the opportunity to address the panel this morning on an issue of local and national importance. My name is Tom Headley and I am Vice-chairman of the Forward Township Board of Supervisors, one of three, part-time, elected officials who form the governing body of our municipality. Forward township has a population of just less than 3800 people in an area of more than twenty square miles. The area is mostly rural with a concentration of population around the town of Elizabeth and several small communities along the Monongahela River including the community of Bunola.

I am here today because Univar, a distributor which receives, warehouses, and ships a wide variety of chemicals has a large facility located in Forward Township at Bunola. This location is one of an estimated 123 chemical facilities nationwide with an accidental toxic release “worst-case” scenario where more than one million people in the surrounding area could be at risk of exposure to a cloud of toxic gas. Prior to 9/11, people in the area were aware of this facility, and that various chemicals were present, but were not overly concerned.

After that date, with increased potential for acts of terror against a facility of this type, the vulnerability and security of this plant became a major concern. A meeting to discuss these issues with company management was requested. At this meeting our police chief, Emergency Management Coordinator, and myself met with Vopak executives to review site security. It was apparent a major upgrade was necessary. Our chief performed a site survey and developed a list of minimum security upgrades which the municipality would require. Management raised the issue of cost, and indicated this expense would place them at a competitive disadvantage relative to others in their industry. I made it clear these improvements would be made either on a voluntary basis, or the township would pass ordinances mandating their completion.

I am pleased to report Vopak made the recommended improvements, costing more than \$200,000. Perimeter fencing, automatic gates, security cameras and monitoring devices, improved lighting, and security during off- hours were included. In addition, an emergency plan for the community was developed, a warning siren installed, and emergency information was distributed to all residents in the immediate area and downwind of the plant.

In spite of these changes this plant remains vulnerable. The 30 acre plant site runs from a state highway, Bunola River Road, to the Monongahela River and includes 6 buildings. The main line of the CSX railroad bisects the property, buildings are located on both sides. Each side is fenced, however, the main track and the siding where loaded tank cars of chlorine are stored is not secured. The quantities of chlorine present are the reason for

the serious “worst-case” scenario. In addition, there is a barge unloading facility located along the riverfront where chemicals are pumped from barges into storage tanks. More than 50 loads of various chemicals are shipped in and out of this location during an average day.

Should there be any type of security problem at the plant, or with a load in transit while in the township, the Forward police department would be notified and respond. We have a professional department with 5 full-time and 2 part-time officers. Normally one officer is on duty per shift. Response time to an incident at the plant will depend on the location of the officer in the township, and could be more than ten minutes from the time the call is received. Our officer can request and receive assistance from surrounding departments and Allegheny County, but again, time is required for help to arrive. Our municipal budget is just over \$800,000 per year, well over half that amount represents the police department and associated costs. The township is not in a position to employ sufficient police to provide adequate security to meet potential threats faced by this facility.

After reading the GAO report (GAO-03-439) I would like to make the following comments as a public official in a host municipality for a chemical facility.

Security for chemical plants must be improved. The government must mandate reasonable, minimum security standards at all locations which produce, process, warehouse, or distribute chemicals and other hazardous materials. Voluntary compliance or self-regulation by the industry is not appropriate in this situation.

- All plants containing hazardous materials regardless of size must comply
- Plants with larger quantities or extremely hazardous materials attractive to potential terrorists must meet much higher standards.
 - “Worst-case” scenarios must consider multiple, simultaneous uncontrolled releases of various hazardous materials as might be experienced in a terrorist attack. This is not the case with the present “Risk Management Plan” which is concerned with an “accidental” release from only one storage vessel when multiple vessels (railcars) may actually be present.
- Each plant must establish, and maintain, at their expense, a security force to deal with the potential threat presented by their facility. This cost cannot be borne by the host municipality. The federal government pays for baggage inspection and security at airports to deal with that potential threat, they might also assist with this cost. This security could be a private force under contract to the company, or a direct subsidy to a municipal police department to defray all costs for the required additional police protection.
- Once security upgrades are in place, security threat response training including company security, local and county police, and disaster response teams should be mandated on a regular basis. This joint training is presently being done for fire

and accidental releases but there is nothing, to my knowledge, dealing with security threats.

- These drills must anticipate an attack with the intent to blow up materials stored on site, as well as a one where materials are removed and taken to an off-site location. Truck diversions or hijacking scenarios must be included.
- Uniform federal regulations will “level the playing field” for each company and every location in the industry. All companies will face similar costs to meet the standards, none will be at a competitive disadvantage.

Substitutes for the most dangerous chemicals should be encouraged, and strict limits placed on maximum allowable quantities of these materials at each location.

- Liquid chlorine is required for treatment of drinking water and sewage among a multitude of other uses. Appropriate security costs for liquid chlorine should be included in the selling price. This would encourage use of more stable forms of this chemical and make safer substitute materials financially attractive to consumers.

One agency of the Federal Government must be given specific, overall authority for chemical industry security. My suggestion would be the Department of Homeland Security. The present shared security responsibility is unwise and unable to deal with today’s potential threats

- Listed below are just some agencies now responsible for regulating various phases of the operation of Vopak and this is not a comprehensive list.
 - Truck Transport in/out---Local police, state police, ICC, PA DEP, EPA, US Dept. of Transportation
 - Rail Transport in/out---Federal Dept. of Transportation, PA DEP, EPA
 - Barge Transportation in/out---US Coast Guard, PA DEP, EPA,
 - Plant Site---PA DEP, EPA, Federal DOT (Rail Lines & Spur)

The ability of these agencies to jointly develop and enforce an effective program is questionable.

The scope of any Risk Management Plan must include not only the plant site, but also the risks inherent in the movement of materials to/from the plant.

- Tank cars, box cars, tank trucks, regular trucks, and barges present attractive targets while en route to the plant especially in populated areas.
- The current identification system for chemical shipments should be reviewed. For example, chlorine cars, trucks, and containers are clearly marked chlorine. Does this make sense from a security standpoint?
- Examine the condition and maintenance, especially winter snow removal, of the

main travel routes used by trucks accessing the plant location.

Money for staffing, training, and equipment for local police departments must be made available immediately.

- Our police, the first responders to any situation at Vopak, have received chemical protection breathing equipment, but have not yet received chemical protection suits or boots. Should there be a security problem with a chemical release, our officer could only go to the perimeter of the plant property, assess the situation and request county assistance.

Any new Risk Management Plan must “think outside the box” and anticipate non-traditional threats.

- The possibility of crashing a small plane into a chemical plant or railroad tankers parked on a siding at a plant or in a rail yard.
- The possibility of an intentional or unintentional derailment near a siding containing hazardous materials.
 - At Vopak, chlorine tank cars are located on a siding next to the main line of the CSX. In spite of two nearby derailments over the past two years, we have been unable to require a low speed limit in the plant area. CSX management advises speed is the “discretion” of the locomotive engineer, and the authority to mandate a speed limit rests with a federal agency.
- The possibility of rail/truck collision at an in-plant or nearby rail crossing.
 - Again, Vopak was told the locomotive engineer is not required to sound the horn at “private” (in-plant)” railroad crossings or driveways.
- Investigate adequacy of container design (rail & truck tankers, smaller packaging) used for transportation of chemicals in light of current security threats. Most were designed to withstand “transportation accidents” not today’s security threats.

I thank you for your attention to this information. Security in these times is an issue which affects everyone regardless of location. From a huge city like New York with a population of many millions, to the small town of Bunola with fewer than 300 residents, everyone is concerned about threats to their safety and well being. Steps need to be quickly taken to minimize these risks and the Federal Government must assume the lead role in this endeavor.

I will be pleased to answer any questions you might have.

