

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
Government Affairs

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

June 13, 2006

Honorable Susan Collins
Chairwoman
Committee on Homeland Security and
Governmental Affairs
SD-340
United States Senate
Washington, D.C. 20510

Dear Chairwoman Collins:

On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, I am writing to express our opposition to S. 2145, the Chemical Facility Anti-Terrorism Act of 2005, which the Committee on Homeland Security and Governmental Affairs is expected to mark up this week.

The Chamber recognizes the importance of enhancing the security at America's chemical plants. Improvements in this area are, we believe, best accomplished collaboratively between industry and government. Therefore, we have been working with your staff as part of an industry coalition to try to improve S. 2145 so that it can become an effective piece of legislation. Unfortunately, we have not yet reached a point where the Chamber can support this bill.

Our critical concerns with the existing bill are:

- **Protection of Information:** Security information required by the government should be protected from any release to the public, third parties, or non-federal security personnel, except for limited disclosure for enforcement. This bill does not yet achieve the right balance in this critical area.
- **Security Focused:** It must address only security issues, excluding environmental and other issues. For instance, it must not mandate the use or consideration of "inherently safer technologies." Current language in this area does not meet the requirement of focusing singularly on security matters.
- **Adaptation (or Flexibility):** Consistent with a risk-based approach, it must be flexible enough to fit the unique circumstances of each specific facility. Unfortunately, the bill as drafted does not take an approach which would meet the different operating realities of the industry.

Additionally, legislation which addresses these issues and creates a security focused, risk-management oriented approach should also provide limited liability protection for chemical plant owners and operators. Ideally, this would come through application of the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, which is currently in law and working well.

Thank you for your consideration of our views and we look forward to working with you on this issue. **If** you or your staff have any questions or comments, please call Andrew Howell, the Chamber's Vice President of Homeland Security Policy, at 202-463-3100.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." being the most prominent.

R. Bruce Josten

cc: Committee on Homeland Security and Governmental Affairs