INTERNET POSTING OF CHEMICAL "WORST CASE" SCENARIOS: A ROADMAP FOR TERRORISTS

JOINT HEARING

BEFORE THE

SUBCOMMITTEES ON
HEALTH AND ENVIRONMENT

AND

OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES

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INTERNET POSTING OF CHEMICAL "WORST CASE SCENARIO" DATA

WEDNESDAY, FEBRUARY 10, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON HEALTH AND ENVIRONMENT,
AND THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
Washington, DC.

The subcommittees met, pursuant to notice, at 10:30 a.m., in room 2123, Rayburn House Office Building, Hon. Michael Bilirakis (Chairman, Subcommittee on Health and Environment) and Hon. Fred Upton (Chairman, Subcommittee on Oversight and Investigations) presiding.

Members present Subcommittee on Health and Environment: Representatives Bilirakis, Upton, Greenwood, Burr, Bilbray, Whitfield, Norwood, Coburn, Cubin, Pickering, Bryant, Bliley (ex officio), Brown, Stupak, Green, DeGette, Barrett, Capps, and Eshoo.

Members present Subcommittee on Oversight and Investigations: Representatives Upton, Burr, Bilbray, Whitfield, Blunt, Bryant, Bliley (ex officio), Klink, Stupak, Green, McCarthy, and DeGette.

Staff present: Joseph Stanko, majority counsel; Tom Dilenge, majority counsel; Eric Link, majority counsel; Chris Wolf, majority counsel; Bob Meyers, majority counsel; Jason C. Foster, legislative clerk; Alison Berkes, minority counsel; and Edith Holleman, minority counsel.

Mr. BILIRAKIS. The hearing will come to order.

I would like to welcome our witnesses today, and especially thank Chairman Bliley and Chairman Upton for their hard work in making today's hearing a reality.

As members of the audience may or may not know, the Health and Environment Subcommittee and the Oversight and Investigations Subcommittee have a long history of working together, particularly in Clean Air Act issues. Our subcommittees have cooperated on a number of hearings and investigative efforts involving the implementation of the Clean Air Act and the Clean Air Act amendments of 1990. Today's hearing continues this cooperation and will additionally serve as an initial effort to determine if legislation in this matter is necessary.

Although I have tried not to prejudge this issue, and look forward to receiving testimony from all of our witnesses, the relevant provisions of law in this matter appear to be fairly clear. Section 112(r)(7) of the Clean Air Act requires, in part, that risk management plans prepared by owners and operators of stationary sources

shall be registered with the EPA and further made available to the public under section 114(C) of the act. Furthermore, legal opinion from the Department of Justice and EPA indicates that EPA may be required to make risk management plans public and in an electronic format, if the information is submitted in that format.

Clearly, then, there is a danger that even the best intentions by EPA concerning the dissemination of sensitive data may be overridden by new technology and the requirements of black letter law. Internet access is not only a question of speed, but the ability to search for specific information using different variables and to perhaps rank and select targets of opportunity. We must, therefore, be prepared. I think you all would agree to weigh the goals of the Clean Air Act against the competing considerations of national, community, and personal security.

This will inevitably require a careful balancing, and I will look to the testimony of our witnesses to help illuminate our thinking and the proper balance between public information and public threats.

Let me say initially, however, that while I fully respect the need for individuals and communities to be informed of risks to their health and for fire and emergency personnel to have current, detailed information to ensure their safety, we cannot simply ignore the potential of a competing threat emanating from an anonymity of cyberspace.

If we can reasonably determine from this hearing, and from our subcommittees' review of available information that there is a real threat, I am unwilling to just wait and see what happens.

One of the lessons of history is that we must never fight the last war. Surely, we cannot depend on our enemies to not use all the technology and all the resources that are available to them.

All together, I would like to recognize again the hard work of Chairman Bliley in bringing this matter to the attention of the committee and, indeed, to the attention of the entire Congress and the administration.

There is an old adage which says simply, "Trust, but verify." I think today's hearing will help us to verify whether or not a targeted change to the law is required or whether we can, indeed, trust that this new information will not be put to tragic use.

The Chair now recognizes Mr. Brown of Ohio, the ranking member of the Health and Environment Subcommittee, for an opening statement.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. BILIRAKIS. Please proceed, sir.

Mr. BROWN. I would like to thank both Chairman Bilirakis and Chairman Upton for holding today's hearings on the requirements in the Clean Air Act for providing information to the public about the possible results of serious accidents at chemical facilities.

I would also like to recognize two new members of the subcommittee on our side, Lois Capps and Tom Barrett. They are joining us in our first hearing.

The 1990 Clean Air Act amendments directed the EPA to implement a program that would address the dangers of releasing hazardous chemicals into the air. The program requires chemical facilities to file risk management plans describing, "worst case sce-

narios" with EPA, and for the information to be publicly available so that communities can prepare adequately for potential accidents.

Concerns have been raised that terrorists could use this data to carry out acts of sabotage. The questions raised by the FBI and others about the potential misuse of the "worst case scenario" information certainly deserve our careful consideration. We should not open our communities, obviously, to new threats. However, it is important to maintain a balance between concerns about terrorism and the usefulness of this information to citizens.

It is worth noting that the "worst case scenario" data that EPA has directed to collect and disseminate would give a location and potential effects of an accident, but it would not in any way provide a blueprint for terrorist attacks.

The risk management plans do not include specifics such as tank locations, plant security systems, or methods of causing an explosion or chemical release. Furthermore, potential terrorists can already obtain information on chemical facilities through a variety of public sources.

Communities have legitimate reasons to seek information about chemical facilities in their vicinity. We are not talking hypothetically when we talk about accidents at chemical plants. In 1997, more than 38,000 chemical fires, spills, and explosions were reported through the EPA's emergency response notification system. Communities have the right to know what risks are posed by facilities in their midst.

With the risk management plans in hand, emergency response personnel can lay appropriate plans for handling accidents. Workers and neighbors can approach the facilities to propose improvements in safety at and around the site. Communities can use the risk management plans as a basis for decisions on zoning, for instance.

I understand that EPA and the FBI have held discussions on how to balance concerns with terrorism about access to information. I would encourage these agencies and other interested parties to work out a solution cooperatively, as I believe that they have begun to.

However, if my colleagues feel that we should consider legislation on this issue, an additional hearing on the specific legislative proposals would be essential. I would want to review our legislative proposal carefully and to hear the views of others to be certain that the underlying purpose of effectively disclosing this information to the public is not compromised.

Thank you, Mr. Chairman, for raising this important issue.

Mr. BILIRAKIS. I thank the gentleman from Ohio, Mr. Brown.

The Chair now recognizes the joint chairman of this hearing and the chairman of the Oversight and Investigations Subcommittee of Commerce, Mr. Upton, for an opening statement.

Mr. UPTON. Thank you, Mr. Chairman, and it is my pleasure to jointly chair this with you and have the support of the full committee chairman, Mr. Bliley, as well.

We are here today to review the manner in which the Environmental Protection Agency plans to disseminate, to the public, hazardous material reports that at least 66,000 facilities nationwide are required to file with the Agency under the Clean Air Act. These

reports include "worst case scenario" information, such as what would happen if all risk management plans failed and hazardous chemicals were released. The "worst case scenario" data specifically include a chemical-by-chemical analysis of the key accidental release points within a facility, and an estimate of the impact of each "worst case" chemical release on the people living in nearby communities.

The Clean Air Act requires the EPA to make this information available to the public, but the statute does not specify the method by which the information should be disseminated.

Let me make it very clear at the outset of this hearing; we support the right of communities to know the risks of living near facilities using hazardous materials, including potential "worst case scenarios," and to let the right people know as well.

Our purpose here today is not to question or limit the rights of communities to this information. We are concerned, however, that the widespread electronic dissemination of this "worst case scenario" information on the Internet will, in fact, provide a roadmap for terrorists, putting communities across the country in great danger from targeted terrorist attacks planned with information provided in user-friendly format by our own government.

The question before us today is how should EPA handle the dissemination of this highly sensitive information to ensure that communities continue to have the right to know about potential hazards, but, to protect those same communities from terrorists bent on wreaking havoc?

We have an impressive group of witnesses here to discuss the matter from all sides of the issue. The first panel will include experts in the field of law enforcement, counterterrorism, and emergency response. We will discuss the nature and extent of the terrorist threat posed by the widespread electronic dissemination of a national database containing "worst case scenario" information.

Our second panel will consist of officials from the FBI and the EPA who have been attempting to resolve these security concerns and agree upon a controlled public dissemination plan.

Finally, our third panel will include representatives from the environmental, worker and public safety, and industrial communities, including two members of the Public Advisory Committee established by EPA to address the issue.

From an oversight perspective, I also believe that there are serious questions about how EPA has, to date, dealt with this issue—or I guess I should say how EPA has failed to deal with this issue in a responsible or timely manner. It appears that the EPA has only reluctantly come to the view that Internet dissemination poses a security risk, and even then, the Agency still has not come to terms with the third-party access problem. In the meantime, the proverbial clock is ticking with a statutory deadline for the facilities section of this data only months away.

I hope to get some answers from EPA today on how we get to this point, what the Agency plans to do about it, now that we are in this difficult position, and I continue to oversee EPA's implementation of this section of the Clean Air Act to make sure that their actions remain consistent.

I might just add a point here at the end. Yesterday, I had the opportunity to meet with a survivor or a spouse of a wonderful man that was killed in the Oklahoma City bombing. She was very supportive of the actions taken by these subcommittees today. And as we chatted a little bit about it, I thought about my own perspective of being at home working on the Internet with my family; fifth grade daughter, first grade son. We worry, as parents, about some of the things that get on the Internet, particularly, pornography, and our efforts to make sure that that does not come into our home. I never thought that we would actually dream of the day when our Government would, perhaps, put this same information on for terrorists—who knows where in the world—to, perhaps, target some of our best and brightest here within the United States.

And it is with that thought that I yield back the balance of my time and look forward to this hearing.

[The prepared statement of Hon. Fred Upton follows:]

PREPARED STATEMENT OF HON. FRED UPTON, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

We are here today to review the manner in which the Environmental Protection Agency plans to disseminate to the public hazardous material reports that at least 66,000 facilities nationwide are required to file with the agency under the Clean Air Act. These reports include worst-case scenario information, such as what would happen if all risk management plans failed and hazardous chemicals were released. The worst-case scenario data specifically include a chemical-by-chemical analysis of the key accidental release points within a facility and an estimate of the impact of each worst-case chemical release on the people living in nearby communities.

The Clean Air Act requires the EPA to make this information available to the public, but the statute does not specify the method by which the information should be disseminated.

Let me make it very clear at the outset of this hearing. We *support* the right of communities to know the risks of living near facilities using hazardous materials, including potential worst-case scenarios. Our purpose here today is not to question or limit the rights of communities to this information. We are concerned, however, that widespread electronic dissemination of this worst-case scenario information on the Internet will provide a road map for terrorists, putting communities across this country in great danger from targeted terrorist attacks planned with information provided in user-friendly format by our own government. The question before us today is how should EPA handle the dissemination of this highly sensitive information to ensure that communities continue to have the right to know about potential hazards, but to protect those same communities from terrorists bent on wreaking havoc.

We have an impressive group of witnesses here to discuss this matter from all sides of the issue. Our first panel will include experts in the field of law enforcement, counter-terrorism, and emergency response, who will discuss the nature and extent of the terrorist threat posed by widespread, electronic dissemination of a national database containing worst-case scenario information. Our second panel will consist of officials from the FBI and the EPA, who have been attempting to resolve these security concerns and agree upon a controlled public dissemination plan. Finally, our third panel will include representatives from the environmental, worker and public safety, and industrial communities, including two members of the public advisory committee established by EPA to address this issue.

From an oversight perspective, I also believe that there are serious questions about how EPA has, to date, dealt with this issue—or, I guess I should say, how EPA has *failed* to deal with this issue in a responsible or timely manner. It appears that EPA has only reluctantly come to the view that Internet dissemination poses a security risk, and even then, the agency still has not come to terms with the third-party access problem. In the meantime, the proverbial clock is ticking, with a statutory deadline for facilities' submission of this data only months away.

I hope to get some answers from EPA today on how we got to this point, and what the agency plans to do about it now that we are in this difficult position. I also plan to continue our oversight of EPA's implementation of this section of the Clean Air

Act, in order to ensure that the agency's actions remain consistent with congressional intent and do not threaten the safety of America's citizens and communities.

At no other time in our history has an invention transformed our economy and our society as quickly as the development of the Internet. Each day, millions of us use the Internet to access information, to visit new places, and gain new knowledge. My 11-year-old daughter is already web savvy. She uses our home computer to help with homework and connect with friends.

As a parent, the greatest concern I used to have about the Internet was porn and the other things that sickos would post . . . until this.

The thought that a terrorist could research devastation and terror with little more than a web account and a mouse is troubling. Information to help terrorize the people of St. Joseph or Kalamazoo, Michigan, Richmond, Virginia, or West Palm, Florida should be made more difficult to find, not easier. And to think that the *federal government* could help make that happen is even a greater concern.

By posting this information, it seems that the Internet crosses the line from helpful to harmful.

The Internet should be a place where 11-year-old girls can do their homework, not terrorists.

I look forward to hearing from today's witnesses.

Mr. BILIRAKIS. I thank the gentleman.

Mr. Klink, the ranking member of the Oversight and Investigations Subcommittee, my good friend from western Pennsylvania.

Mr. KLINK. I thank my friend for that kind introduction, and I look forward to working with not only him but my good friend, Mr. Upton, who worked on some environmental legislation with me during the last Congress. We enjoyed working with him. But we are not, I think, in some ways, getting off to the best kind of start today. I know we have great affection for each other, and we like to work together, but somehow I don't think it has gotten down to our staff level. I think we need to work on having our staffs be able to be a little bit better informed about where we are going on these issues, because we begin the work of the subcommittee in the new Congress by looking for a solution to a problem that is not yet defined, will not be defined at this hearing, and we don't whether or not it really exists.

The congressionally mandated release of "worst case scenario" impacts in an easily assessable format is to help the public, relevant State and local officials, and industry avoid and mitigate the results of the accidental release of dangerous chemicals. At least for the majority's press purpose, it has become a roadmap for terrorism.

Now yesterday, before a hearing was even held, before we heard from a single witness, Chairman Bliley held a press conference and announced that there was a problem and that he would correct that terrorism threat by introducing legislation. And I simply would ask, from the minority, if the majority has a crystal ball that can tell us what this hearing and any future hearings is going to discover, would they, please, share that crystal ball with the minority, because we have not predetermined what we are going to hear at these sessions, and what the witnesses are going to tell us?

One of the real questions that we would like to address today is: Will this information be accessible to all to help avoid the 8,000 serious chemical releases and those 300 to 400 deaths every year that result from those releases?

Some witnesses today will call for changes in the Freedom of Information Act, in which Congress apparently would create a two-tier system of access to information, depending on where you live

and what media you get to get your information. We have no evidence of why we should do this. We have seen no draft language to consider. We have no FOIA expert before us, or even an administration position.

Mr. Chairman, we hope that when we have draft language, that it can be shown to us and that we will then have a hearing on that piece of legislation.

Mr. BILIRAKIS. I would suggest, if the gentleman would yield, that you, hopefully, would be a part of that draft language if, in fact, there is going to be any need for draft language——

Mr. KLINK. I am glad to hear that.

Mr. BILIRAKIS. [continuing] which has not been determined, as far as I am concerned.

Mr. KLINK. Well, thank you. Because we heard yesterday following the press release that, very shortly after this hearing, a bill was going to be dropped, and we hadn't had a discussion. And so that is the reason for some of this dismay. I hope that we are going to be able to put behind us—and I have spoken with Mr. Upton—some of the problems that existed in the previous Oversight and Investigations Subcommittee as we looked for crimes that really didn't exist. I am a little bothered now that we are now searching for problems that may or may not exist.

Terrorist scenarios are very popular fodder for the press, for movies, for sci-fi writers, and for politicians. Counterterrorism experts and centers are springing up everywhere to make sure they get a part of the Federal largess. But when my staff probed more deeply, we could not find any documented evidence of increased threats to chemical plants. In fact, we could not find any evidence worldwide that chemical plants had been terrorist targets. Military targets, yes, as demonstrated in the Sudan recently, when the U.S. attacked that chemical plant. But terrorist target; we have seen no evidence.

The creation and release of information about chemicals at industrial facilities in the United States was mandated by Congress in 1990. The world had witnessed the terrible results of releases from a chemical plant on humans in Bhopal, India, and the frightening chemical releases from a sister plant in Institute, West Virginia. There are, as I said, over 60,000 accidental releases every year, of which about 8,000 result in significant human or property damage. Between 300 or 400 people, mostly workers and first responders, die every year. This is the known documented danger that Congress has told the Environmental Protection Agency to address by providing the public with information they needed to force these facilities to become safer.

Much information is now available from the Environmental Protection Agency in various media and on the Internet about these chemicals, where they are, and their effects when they are released. Thousands of communities, investors, first responders, medical people, workers, industrial safety officers, and just plain citizens use that information every day. Many "worst case scenarios" are already available because they have been provided to the communities involved and to the press.

There seems to be a consensus that this information has reduced the threat of accidents, helped prepare first responders, assisted

companies in identifying and eliminating or better handling their most dangerous chemicals, and helped communities in planning decisions about the siting of schools and residential facilities and the need for buffer zones between those facilities and the chemical plants.

Now, right now, it is not difficult for you or I, or a terrorist, to determine by observation and a little bit of research where chemical facilities are, what they manufacture, how close they are to residential facilities. One of the witnesses is going to tell us today—and the world—that there are a large number of chemical facilities near Wilmington, Delaware, which he will describe as a potential "terrorist dream" that would allow an attack of massive proportion. Well, that is pretty public, making the statement here in a hearing. And it didn't take the Internet or the EPA to figure it out. We could find out that chemical plant was there simply by driving down I-95 and opening our eyes.

So, what new threat are we looking for here today? What would force us to rewrite our laws?

The chairman would have us believe—as he said yesterday—that there are sophisticated, professional foreign terrorists, as he said, "from Los Angeles to Libya," who, only because of access to this information, will move to the United States, bomb chemical plants, and decimate entire population centers nearby. What evidence do we have of this?

Well, we have a 1-month study that was done for the EPA's Advisory Committee, which attempted to model the possible increases in terrorist attacks on chemical plants caused by putting "worst case scenarios" on the Internet, and you will hear that study cited today. It has many faults.

This week, I am going to ask the General Accounting Office to review the methodology, the credibility, and the reliability of that study. But we already know that the modeling of the study is questionable, because there was only one terrorist incident involving chemical plants to provide a baseline. The other one cited was actually a scam in which the owner of some worthless chemicals in Virginia tried to blow them up to recoup insurance money. The other involved a group of Ku Klux Klan members who were going to blow up some tanks at a gas refinery in Texas to create a diversion so they could rob an armored car.

The contractor also assumed incorrectly that the industry had done all it could to improve safety. The criteria used in this study to define the type of information that would be useful were from military organizations, not from terrorist experts. Let me remind you, military organizations and terrorists have completely different agendas, motives, and resources available to them.

And without objection, Mr. Chairman, I would like to offer up, for the record, an article from a recent foreign policy issue by an Israeli historian of terrorism, who describes extremely well the psychological and the other goals of terrorists, based on actual events, and why he believes the current discussions of terrorism threats are vastly overblown.

And I would ask——

Mr. BILIRAKIS. Without objection.

[The information article referred to follows:]

[Thursday, October 1, 1998—No. 112]

THE GREAT SUPERTERRORISM SCARE

By Ehud Sprinzak

Last March, representatives from more than a dozen U.S. federal agencies gathered at the White House for a secret simulation to test their readiness to confront a new kind of terrorism. Details of the scenario unfolded a month later on the front page of the New York Times: Without warning, thousands across the American Southwest fall deathly ill. Hospitals struggle to rush trained and immunized medical personnel into crisis areas. Panic spreads as vaccines and antibiotics run short—and then run out. The killer is a hybrid of smallpox and the deadly Marburg virus, genetically engineered and let loose by terrorists to infect hundreds of thousands along the Mexican-American border.

This apocalyptic tale represents Washington's newest nightmare: the threat of a massive terrorist attack with chemical, biological, or nuclear weapons. Three recent events seem to have convinced the policymaking elite and the general public that a disaster is imminent: the 1995 nerve gas attack on a crowded Tokyo subway station by the Japanese millenarian cult Aum Shinrikyo; the disclosure of alarming new information about the former Soviet Union's massive biowarfare program; and disturbing discoveries about the extent of Iraqi president Saddam Hussein's hidden chemical and biological arsenals. Defense Secretary William Cohen summed up well the prevailing mood surrounding mass-destruction terrorism: "The question is no longer if this will happen, but when."

Such dire forecasts may make for gripping press briefings, movies, and bestsellers, but they do not necessarily make for good policy. As an unprecedented fear of mass-destruction terrorism spreads throughout the American security establishment, governments worldwide are devoting more attention to the threat. But, as horrifying as this prospect may be, the relatively low risks of such an event do not justify the high costs now being contemplated to defend against it.

Not only are many of the countermeasures likely to be ineffective, but the level of rhetoric and funding devoted to fighting superterrorism may actually advance a potential superterrorist's broader goals: sapping the resources of the state and creating a climate of panic and fear that can amplify the impact of any terrorist act.

CAPABILITIES AND CHAOS

Since the Clinton administration issued its Presidential Decision Directive on terrorism in June 1995, U.S. federal, state, and local governments have heightened their efforts to prevent or respond to a terrorist attack involving weapons of mass destruction. A report issued in December 1997 by the National Defense Panel, a commission of experts created by congressional mandate, calls upon the army to shift its priorities and prepare to confront dire domestic threats. The National Guard and the U.S. Army Reserve must be ready, for example, to "train local authorities in chemical- and biological-weapons detection, defense, and decontamination; assist in casualty treatment and evacuation; quarantine, if necessary, affected areas and people; and assist in restoration of infrastructure and services." In May, the Department of Defense announced plans to train National Guard and reserve elements in every region of the country to carry out these directives.

In his 1998 State of the Union address, President Bill Clinton promised to address the dangers of biological weapons obtained by "outlaw states, terrorists, and organized criminals." Indeed, the President's budget for 1999, pending congressional approval, devotes hundreds of millions of dollars to superterrorism response and recovery programs, including large decontamination units, stockpiles of vaccines and antibiotics, improved means of detecting chemical and biological agents and analyzing disease outbreaks, and training for special intervention forces. The FBI, Pentagon, State Department, and U.S. Health and Human Services Department will benefit from these funds, as will a plethora of new interagency bodies established to coordinate these efforts. Local governments are also joining in the campaign. Last April, New York City officials began monitoring emergency room care in search of illness patterns that might indicate a biological or chemical attack had occurred. The city also brokered deals with drug companies and hospitals to ensure an adequate supply of medicine in the event of such an attack. Atlanta, Denver, Los Angeles, San Francisco, and Washington are developing similar programs with state and local funds. If the proliferation of counterterrorism programs continues at its present pace, and if the U.S. army is indeed redeployed to the home front, as suggested by the National Defense Panel, the bill for these preparations could add up to tens of billions of dollars in the coming decades.

Why have terrorism specialists and top government officials become so obsessed with the prospect that terrorists, foreign or homegrown, will soon attempt to bring about an unprecedented disaster in the United States? A close examination of their rhetoric reveals two underlying assumptions: The Capabilities Proposition. According to this logic, anyone with access to modern biochemical technology and a college science education could produce enough chemical or biological agents in his or her basement to devastate the population of London, Tokyo, or Washington. The raw materials are readily available from medical suppliers, germ banks, university labs, chemical-fertilizer stores, and even ordinary pharmacies. Most policy today proceeds from this assumption.

The Chaos Proposition. The post-Cold war world swarms with shadowy extremist groups, religious fanatics, and assorted crazies eager to launch a major attack on the civilized world—preferably on U.S. territory. Walter Laqueur, terrorism's leading historian, recently wrote that "scanning the contemporary scene, one encounters a bewildering multiplicity of terrorist and potentially terrorist groups and sects." Senator Richard Lugar agrees: "fanatics, small disaffected groups and subnational factions who hold various grievances against governments, or against society, all have increasing access to, and knowledge about the construction of, weapons of mass destruction . . . Such individuals are not likely to be deterred . . . by the classical threat of overwhelming retaliation."

There is, however, a problem with this two-part logic. Although the capabilities proposition is largely valid—albeit for the limited number of terrorists who can overcome production and handling risks and develop an efficient means of dispersal—the chaos proposition is utterly false. Despite the lurid rhetoric, a massive terrorist attack with nuclear, chemical, or biological weapons is hardly inevitable. It is not even likely. Thirty years of field research have taught observers of terrorism a most important lesson: Terrorists wish to convince us that they are capable of striking from anywhere at anytime, but there really is no chaos. In fact, terrorism involves predictable behavior, and the vast majority of terrorist organizations can be identified well in advance.

Most terrorists possess political objectives, whether Basque independence, Kashmiri separatism, or Palestinian Marxism. Neither crazy nor stupid, they strive to gain sympathy from a large audience and wish to live after carrying out any terrorist act to benefit from it politically. As terrorism expert Brian Jenkins has remarked, terrorists want lots of people watching, not lots of people dead. Furthermore, no terrorist becomes a terrorist overnight. A lengthy trajectory of radicalization and low-level violence precedes the killing of civilians. A terrorist becomes mentally ready to use lethal weapons against civilians only over time and only after he or she has managed to dehumanize the enemy. From the Baader-Meinhoff group in Germany and the Tamil Tigers in Sri Lanka to Hamas and Hizballah in the Middle East, these features are universal.

Finally, with rare exceptions—such as the Unabomber—terrorism is a group phenomenon. Radical organizations are vulnerable to early detection through their disseminated ideologies, lesser illegal activities, and public statements of intent. Some even publish their own World Wide Web sites. Since the 1960s, the vast majority of terrorist groups have made clear their aggressive intentions long before following through with violence.

Today's hype or tomorrow's nightmare?

We can draw three broad conclusions from these findings. First, terrorists who threaten to kill thousands of civilians are aware that their chances for political and physical survival are exceedingly slim. Their prospects for winning public sympathy are even slimmer. Second, terrorists take time to become dangerous, particularly to harden themselves sufficiently to use weapons of mass destruction. Third, the number of potential suspects is significantly less than doomsayers would have us believe. Ample early warning signs should make effective interdiction of potential superterrorists easier than today's overheated rhetoric suggests.

THE WORLD'S MOST WANTED

Who, then, is most likely to attempt a superterrorist attack? Historical evidence and today's best field research suggest three potential profiles:

Religious millenarian cults, such as Japan's Aum Shinrikyo, that possess a sense of immense persecution and messianic frenzy and hold faith in salvation via Armageddon. Most known religious cults do not belong here. Millenarian cults generally seclude themselves and wait for salvation; they do not strike out against others. Those groups that do take action more often fit the mold of California's Heaven's

Gate, or France's Order of the Solar Temple, seeking salvation through group suicide rather than massive violence against outsiders.

Brutalized groups that either bum with revenge following a genocide against their nation or face the prospect of imminent destruction without any hope for collective recovery. The combination of unrestrained anger and total powerlessness may lead such groups to believe that their only option is to exact a horrendous price for their loss. "The Avengers," a group of 50 young Jews who fought the Nazis as partisans during World War II, exemplifies the case. Organized in Poland in 1945, the small organization planned to poison the water supply of four German cities to avenge the Holocaust. Technical problems foiled their plan, but a small contingent still succeeded in poisoning the food of more than 2,000 former SS storm troopers held in prison near Nuremberg.

Small terrorist cells or socially deranged groups whose alienated members despise society, lack realistic political goals, and may miscalculate the consequences of developing and using chemical or biological agents. Although such groups, or even individual "loners," cannot be totally dismissed, it is doubtful that they will possess the technical capabilities to produce mass destruction.

Groups such as Hamas, Hizballah, and Islamic Jihad, which so many Americans love to revile—and fear—do not make the list of potential superterrorists. These organizations and their state sponsors may loathe the Great Satan, but they also wish to survive and prosper politically. Their leaders, most of whom are smarter than the Western media implies, understand that a Hiroshima-like disaster would effectively mean the end of their movements.

Only two groups have come close to producing a superterrorism catastrophe: Aum Shinrikyo and the white supremacist and millenarian American Covenant, the Sword and the Arm of the Lord, whose chemical-weapons stockpile was seized by the FBI in 1985 as they prepared to hasten the coming of the Messiah by poisoning the water supplies of several U.S. cities. Only Aum Shinrikyo fully developed both the capabilities and the intent to take tens of thousands of lives. However, this case is significant not only because the group epitomizes the kind of organizations that may resort to superterrorism in the future, but also because Aum's fate illustrates how groups of this nature can be identified and their efforts preempted.

Although it comes as no comfort to the 12 people who died in Aum Shinrikyo's attack, the cult's act of notoriety represents first and foremost a colossal Japanese security blunder. Until Japanese police arrested its leaders in May 1995, Aum Shinrikyo had neither gone underground nor concealed its intentions. Cult leader Shoko Asahara had written since the mid-1980s of an impending cosmic cataclysm. By 1995, when Russian authorities curtailed the cult's activities in that country, Aum Shinrikyo had established a significant presence in the former Soviet Union, accessed the vibrant Russian black market to obtain various materials, and procured the formulae for chemical agents. In Japan, Asahara methodically recruited chemical engineers, physicists, and biologists who conducted extensive chemical and biological experiments in their lab and on the Japanese public. Between 1990 and 1994, the cult tried six times—unsuccessfully—to execute biological-weapons attacks, first with botulism and then with anthrax. In June 1994, still a year before the subway gas attack that brought them world recognition, two sect members released sarin gas near the judicial building in the city of Matsumoto, killing seven people and injuring 150, including three judges.

In the years preceding the Tokyo attack, at least one major news source provided indications of Aum Shinrikyo's proclivity toward violence. In October 1989, the Sunday Mainichi magazine began a seven-part series on the cult that showed it regularly practiced a severe form of coercion on members and recruits. Following the November 1989 disappearance of a lawyer, along with his family, who was pursuing criminal action against the cult on behalf of former members, the magazine published a follow-up article. Because of Japan's hypersensitivity, to religious freedom, lack of chemical- and biological-terrorism precedents, and low-quality domestic intelligence, the authorities failed to prevent the Tokyo attack despite these ample warning signs.

ANATOMY OF AN OBSESSION

If a close examination reveals that the chances of successful superterrorist attack are minimal, why are so many people so worried? There are three major explanations:

Sloppy Thinking

Most people fail to distinguish among the four different types of terrorism: mass-casualty terrorism, state-sponsored chemical- or biological-weapons (CBW) terror-

ism, small-scale chemical or biological terrorist attacks, and superterrorism. Pan Am 103, Oklahoma City, and the World Trade Center are all examples of conventional terrorism designed to kill a large number of civilians. The threat that a "rogue state," a country hostile to the West, will provide terrorist groups with the funds and expertise to launch a chemical or biological attack falls into another category: state-sponsored CBW terrorism. The use of chemical or biological weapons for a small-scale terrorist attack is a third distinct category. Superterrorism—the strategic use of chemical or biological agents to bring about a major disaster with death tolls ranging in the tens or hundreds of thousands—must be distinguished from all of these as a separate threat.

Today's prophets of doom blur the lines between these four distinct categories of terrorism. The world, according to their logic, is increasingly saturated with weapons of mass destruction and with terrorists seeking to use them, a volatile combination that will inevitably let the superterrorism genie out of the bottle. Never mind that the only place where these different types of terrorism are lumped together is on television talk shows and in sensationalist headlines.

In truth, the four types of terrorism are causally unrelated. Neither Saddam Hussein's hidden bombs nor Russia's massive stockpiles of pathogens necessarily bring a superterrorist attack on the West any closer. Nor do the mass-casualty crimes of Timothy McVeigh in Oklahoma City or the World Trade Center bombing. The issue is not CBW quantities or capabilities but rather group mentality and psychological motivations. In the final analysis, only a rare, extremist mindset completely devoid of political and moral considerations will consider launching such an attack.

Vested Interests

The threat of superterrorism is likely to make a few defense contracters very rich and a larger number of specialists moderately rich as well as famous. Last year, Canadian-based Dycor Industrial Research Ltd. unveiled the CB Sentry, a commercially available monitoring system designed to detect contaminants in the air, including poison gas. Dycor announced plans to market the system for environmental and antiterrorist applications. As founder and president Hank Mottl explained in a press conference, "Dycor is sitting on the threshold of a multi-billion dollar world market." In August, a New York Times story on the Clinton administration's plans to stockpile vaccines around the country for civilian protection noted that two members of a scientific advisory panel that endorsed the plan potentially stood to gain financially from its implementation. William Crowe, former chair of the joint chiefs of staff, is also bullish on the counterterrorism market. He is on the board of an investment firm that recently purchased Michigan Biologic Products Institute, the sole maker of an anthrax vaccine. The lab has already secured a Pentagon contract and expects buyers from around the world to follow suit. As for the expected bonanza for terrorism specialists, consultant Larry Johnson remarked last year to U.S. News & World Report, "It's the latest gravy train."

Within the U.S. government, National Security Council experts, newly created army and police intervention forces, an assortment of energy and public-health units and officials, and a significant number of new Department of Defense agencies specializing in unconventional terrorism will benefit from the counterterrorism obsession and megabudgets in the years ahead. According to a September 1997 report by the General Accounting Office, more than 40 federal agencies have been involved already in combating terrorism. It may yet be premature to announce the rise of a new "military-scientific-industrial complex," but some promoters of the superterrorism scare seem to present themselves as part of a coordinated effort to save civilization from the greatest threat of the twenty-first century.

Morbid Fascination

Suspense writers, publishers, television networks, and sensationalist journalists have already cashed in on the superterrorism craze. Clinton aides told the New York Times that the president was so alarmed by journalist Richard Preston's depiction of a superterrorist attack in his novel The Cobra Event that he passed the book to intelligence analysts and House Speaker Newt Gingrich for review. But even as media outlets spin the new frenzy out of personal and financial interests, they also respond to the deep psychological needs of a huge audience. People love to be horrified. In the end, however, the tax-paying public is likely to be the biggest loser of the present scare campaign. All terrorists—even those who would never consider a CBW attack—benefit from such heightened attention and fear.

COUNTERTERRORISM ON A SHOESTRING

There is, in fact, a growing interest in chemical and biological weapons among terrorist and insurgent organizations worldwide for small-scale, tactical attacks. As far

back as 1975, the Symbionese Liberation Army obtained instructions on the development of germ warfare agents to enhance their "guerrilla" actions. More recently, in 1995, four members of the Minnesota Patriots Council, an antitax group that rejected all forms of authority higher than the state level, were convicted of possession of a biological agent for use as a weapon. Prosecutors contended that the men conspired to murder various federal and county officials with a supply of the lethal toxin ricin they had developed with the aid of an instruction kit purchased through a right-wing publication. The flourishing mystique of chemical and biological weapons suggests that angry and alienated groups are likely to manipulate them for conventional political purposes. And indeed, the number of CBW threats investigated by the FBI is increasing steadily. But the use of such weapons merely to enhance conventional terrorism should not prove excessively costly to counter.

The debate boils down to money. If the probability of a large-scale attack is extremely small, fewer financial resources should be committed to recovering from it. Money should be allocated instead to early warning systems and preemption of tactical chemical and biological terrorism. The security package below stresses low-cost intelligence, consequence management and research, and a no-cost, prudent counterterrorism policy. Although tailored to the United States, this program could form the basis for policy in other countries as well: International deterrence. The potential use of chemical and biological weapons for enhanced conventional terrorism, and the limited risk of escalation to superterrorism, call for a reexamination of the existing U.S. deterrence doctrine—especially of the evidence required for retaliation against states that sponsor terrorism. The United States must relay a stern, yet discreet message to states that continue to support terrorist organizations or that disregard the presence of loosely affiliated terrorists within their territory: They bear direct and full responsibility for any future CBW attack on American targets by the organizations they sponsor or shelter. They must know that any use of weapons of mass destruction by their clients against the United States will constitute just cause for massive retaliation against their countries, whether or not evidence proves for certain that they ordered the attack.

Domestic deterrence. There is no question that the potential use of chemical and biological weapons for low-level domestic terrorism adds a new and dangerous dimension to conventional terrorism. There is consequently an urgent need to create a culture of domestic deterrence against the nonscientific use of chemical and biological agents. The most important task must be accomplished through legislation. Congress should tighten existing legislation against domestic production and distribution of biological, chemical, and radiological agents and devices.

The Anti-Terrorism Act of 1996 enlarged the federal criminal code to include within its scope a prohibition on any attempts, threats, and conspiracies to acquire or use biological agents, chemical agents, and toxins. It also further redefined the terms "biological agent" and "toxin" to cover a number of products that may be bioengineered into threatening agents. However, the legislation still includes the onerous burden of proving that these agents were developed for use as weapons. Take the case of Larry Wayne Harris, an Ohio man arrested in January by the FBI for procuring anthrax cultures from an unknown source. Harris successfully defended his innocence by insisting that he obtained the anthrax spores merely to experiment with vaccines. He required no special permit or license to procure toxins that could be developed into deadly agents. The FBI and local law enforcement agencies should be given the requisite authority to enforce existing laws as well as to act in cases of clear and present CBW danger, even if the groups involved have not yet shown criminal intent. The regulations regarding who is allowed to purchase potentially threatening agents should also be strengthened.

A campaign of public education detailing the dangers and illegality of nonscientific experimentation in chemical and biological agents would also be productive. This effort should include, for example, clear and stringent university policies regulating the use of school laboratories and a responsible public ad campaign explaining the serious nature of this crime. A clear presentation of the new threat as another type of conventional terrorism would alert the public to groups and individuals who experiment illegitimately with chemical and biological substances and would reduce CBW terrorism hysteria.

Better Intelligence. As is currently the case, the intelligence community should naturally assume the most significant role in any productive campaign to stop chemical and biological terrorism. However, new early warning CBW indicators that focus on radical group behavior are urgently needed. Analysts should be able to reduce substantially the risk of a CBW attack if they monitor group radicalization as expressed in its rhetoric, extralegal operations, low-level violence, growing sense of collective paranoia, and early experimentation with chemical or biological sub-

stances. Proper CBW intelligence must be freed from the burden of proving criminal intent.

Smart and compact consequence management teams. The threat of conventional CBW terrorism requires neither massive preparations nor large intervention forces. It calls for neither costly new technologies nor a growing number of interagency coordinating bodies. The decision to form and train joint-response teams in major U.S. cities, prompted by the 1995 Presidential Decision Directive on terrorism, will be productive if the teams are kept within proper proportions. The ideal team would be streamlined so as to minimize the interagency rivalry that has tended to make these teams grow in size and complexity. In addition to FBI agents, specially trained local police, detection and decontamination experts, and public-health specialists, these compact units should include psychologists and public-relations experts trained in reducing public hysteria.

Psychopolitical research. The most neglected means of countering csw terrorism is psychopolitical research. Terrorism scholars and U.S. intelligence agencies have thus far failed to discern the psychological mechanisms that may compel terrorists to contemplate seriously the use of weapons of mass destruction. Systematic group and individual profiling for predictive purposes is almost unknown. Whether in Europe, Latin America, the Middle East, or the United States, numerous former terrorists and members of radical organizations are believed to have considered and rejected the use of weapons of mass destruction. To help us understand better the considerations involved in the use or nonuse of chemical and biological weapons, well-trained psychologists and terrorism researchers should conduct a three-year, low cost, comprehensive project of interviewing these former radicals.

Reducing unnecessary superterrorism rhetoric. Although there is no way to censor the discussion of mass-destruction terrorism, President Clinton, his secretaries, elected politicians at all levels, responsible government officials, writers, and journalists must tone down the rhetoric feeding today's superterrorism frenzy.

There is neither empirical evidence nor logical support for the growing belief that a new "postmodern" age of terrorism is about to dawn, an era afflicted by a large number of anonymous mass murderers toting chemical and biological weapons. The true threat of superterrorism will not likely come in the form of a Hiroshima-like disaster but rather as a widespread panic caused by a relatively small CBW incident involving a few dozen fatalities. Terrorism, we must remember, is not about killing. It is a form of psychological warfare in which the killing of a small number of people convinces the rest of us that we are next in line. Rumors, anxiety, and hysteria created by such inevitable incidents may lead to panic-stricken evacuations of entire neighborhoods, even cities, and may produce many indirect fatalities. It may also lead to irresistible demands to fortify the entire United States against future chemical and biological attacks, however absurd the cost.

Americans should remember the calls made in the 1950s to build shelters, conduct country-wide drills, and alert the entire nation for a first-strike nuclear attack. A return to the duck-and-cover absurdities of that time is likely to be as ineffective and debilitating now as it was then. Although the threat of chemical and biological terrorism should be taken seriously, the public must know that the risk of a major catastrophe is extremely minimal. The fear of CBW terrorism is contagious: Other countries are already showing increased interest in protecting themselves against superterrorism. A restrained and measured American response to the new threat may have a sobering effect on CBW mania worldwide.

WANT TO KNOW MORE?

Brian Jenkins first makes his well-known argument that terrorists want a lot of people watching, not a lot of people dead, in "Will Terrorists Go Nuclear?" (Orbis, Autumn 1985). More recently, Jenkins provides a reasoned analysis of weapons-of-mass-destruction (WMD) terrorism in the aftermath of the Tokyo subway attack in "The Limits of Terror: Constraints on the Escalation of Violence" (Harvard International Review, Summer 1995). For a counter argument, see Robert Kupperman's "A Dangerous Future: The Destructive Potential of Criminal Arsenals" in the same issue. Ron Purver reviews the literature on superterrorism and weighs the opportunities for, and constraints on, terrorists considering a WMD attack in "Chemical and Biological Terrorism: New Threat to Public Safety?" (Conflict Studies, December 1996/January 1997). Jerrold Post and Ehud Sprinzak stress the psychopolitical considerations inhibiting potential WMD terrorists in "Why Haven't Terrorists Used Weapons of Mass Destruction?" (Armed Forces Journal, April 1998). For a solid compilation of essays on superterrorism, see Brad Roberts, ed., Terrorism with Chemical and Biological Weapons: Calibrating Risks and Responses (Alexandria: Chemical and Biological Arms Control Institute, 1997). Walter Laqueur surveys the history

of terrorism and finds an alarming number of barbarians at the gate in "Postmodern Terrorism" (Foreign Affairs, September/October 1996). John Deutch takes a counterintuitive look at the subject in "Think Again: Terrorism" (FOREIGN POLICY, Fall 1997). Finally, David Kaplan provides the best available study of Aum Shinrikyo in his excellent book The Cult at the End of the World: The Terrifying Story of the Aum Doomsday Cult, from the Subways of Tokyo to the Nuclear Arsenals of Russia (New York: Crown Publishers, 1996).

The World Wide Web provides a number of resources for superterrorism research. The Carnegie Endowment for International Peace's Nonproliferation Project and the Henry L. Stimson Center provide regular coverage of nuclear-, chemical-, and biological-weapons issues, including terrorism. The Federation of American Scientists publishes a wealth of government documents as well as excellent news and analysis pertaining to weapons of mass destruction. And the State Department's "Patterns of Global Terrorism" provides one-stop shopping for information on some of the world's more notorious organizations. For links to these and other Web sites, as well as a comprehensive index of related articles, access www.foreignpolicy.com.

Mr. KLINK. I thank the chairman.

Mr. Chairman, again, to you and my friend, Mr. Upton, I hope that we have an ability to work better together on these than we have on this instance.

And I think that this is an important issue. As I said before, it may or may not be a problem, but we would like the opportunity for our staffs to be involved with the majority staffs in helping to put these hearings together on a little closer basis.

[The prepared statement of Hon. Ron Klink follows:]

PREPARED STATEMENT OF HON. RON KLINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Today, we are beginning the work of the Subcommittee in the new Congress by looking for a solution to a problem that is not yet defined, will not be defined in this hearing and may not really exist. The Congressionally mandated release of worst case scenario impacts in an easily accessible format to help the public, relevant state and local officials and industry avoid and mitigate the results of the accidental release of dangerous chemicals has now—at least for the majority's press purposes—become a "road map for terrorism." Yesterday, before hearing even a single witness, Chairman Bliley held a press conference and announced that there was a problem that he would correct by introducing legislation.

The real question we should be addressing today is will this information accessible to all help us avoid the 8,000 serious chemical releases and those three to four hundred deaths every year that result? We are not doing that. The hysteria about terrorism that the majority is attempting to whip up may just be another in a long line of attempts by the chemical industry to once again to avoid disclosures about the very real risks their plants pose to communities. Some witnesses today will call for changes in the Freedom of Information Act in which Congress apparently would create two tiers of access, depending on where you live and what media you use to get your information. We have no evidence of why we should do this, no draft language to consider, no FOIA experts before us or even an administration position. Mr. Chairman, we expect that when you have draft language to show us, we will have that hearing.

I spent most of the last Congress on this Committee looking for crimes that didn't exist, so I should not be surprised that we are now trying to solve problems that may not exist. Terrorist scenarios are very popular fodder for the press, the movies, sci-fi writers and some politicians right now. Counterterrorism experts and centers are springing up everywhere to make sure they get part of the federal largesse. But when my staff probed more deeply, we could not find any documented evidence of increased threats to chemical plants. In fact, we could not find any evidence *worldwide* that chemical plants had been terrorist targets. Military targets, yes, as the U.S. demonstrated in the Sudan recently; terrorist targets, no.

The creation and release of information about chemicals at industrial facilities in the United States was mandated by Congress in 1990. The world had witnessed the terrible results of releases from a chemical plant on humans in Bophal, India, and the frightening chemical releases from a sister plant in Institute, West Virginia. There are over 60,000 accidental releases every year, of which about 8,000 result in significant human or property damage. Between 300 and 400 people, mostly

workers and first responders, die every year. *This is the known, documented danger that Congress has told the Environmental Protection Agency to address by providing the public with information they needed to force these facilities to become safer.*

Much information is now available from the Environmental Protection Agency, in various media—and on the internet—about these chemicals, where they are and their effects when they are released. Thousands of communities, investors, first responders, medical people, workers, industrial safety officers and just plain citizens use it. Many worst case scenarios are already available because they have been provided to the communities involved and the press. There seems to be consensus that this information has reduced the threat of accidents; helped prepare first responders; assisted companies in identifying and eliminating or better handling their most dangerous chemicals; and helped communities in planning decisions about the siting of schools and residential facilities and the need for buffer zones.

Right now, it is not difficult for you or I or a terrorist to determine by observation and a little research where chemical facilities are, what they manufacture, and how close they are to residential facilities. One of the witnesses today will tell us—and the world—that there are large numbers of chemical facilities near Wilmington, Delaware which he describes as a "potential terrorists' dream" that would allow "an attack of massive proportions." That's pretty public, and it didn't take the internet or EPA to figure it out. We can see most of them from I-95.

So what new threat are we looking at here today that would force us to rewrite our laws? The Chairman would have you believe that there are sophisticated, professional foreign terrorists from "Los Angeles to Libya"—as he said yesterday—who *only because of access* to this information will move to the United States, bomb chemical plants and decimate entire population centers nearby.

What evidence do we have of this? A one-month study done for EPA's advisory committee which attempted to model the possible increases in terrorists' attacks on chemical plants caused by putting worst case scenarios on the internet. You will hear that study cited today. It has many faults. This week, I will ask the General Accounting Office to review its methodology, credibility and reliability. But we already know that the modeling is questionable because there was only one terrorist incident involving chemical plants to provide a baseline. The other one cited was actually a scam in which the owner of some worthless chemicals in Virginia tried to blow them up for insurance money. The other involved a group of Klu Klux Klan members who were going to blow up some tanks at a gas refinery in Texas to create a diversion so they could rob an armored car.

The contractor also assumed incorrectly that the industry had done all it could to improve plant safety. The criteria used in this study to define the type of information that would be useful were from military organizations, not from terrorist experts. Military organizations and terrorists have different agendas, motives and resources. Without objection, I would like to put into the record an article from a recent *Foreign Policy* issue by an Israeli historian of terrorism who describes extremely well the psychology and goals of terrorists based on actual events, and why he believes the current discussions of terrorism threats are vastly overblown.

This, Mr. Chairman, is what we should be looking at—not trying to make sensational headlines.

Mr. BILIRAKIS. I thank the gentleman.

The Chair now recognizes the chairman of the full committee, the gentleman from Virginia, Mr. Bliley.

Chairman BLILEY. Thank you, Mr. Chairman, and I want to thank the chairmen of both subcommittees for holding this very important joint hearing today.

Back in 1990, Congress required an estimated 66,000 facilities to submit chemical accident prevention plans to the Environmental Protection Agency that, ultimately, would be made available to the public. Back then, Congress and the American people surely never imagined that the EPA would ever propose posting all of this information, including human injury estimates of a "worst case" chemical release, in a worldwide electronic database easily searchable from—as I said yesterday—from Boston to Baghdad or from Los Angles to Libya.

Outside of a small group of researchers, no one even knew what the World Wide Web was back then. Today, we now know that the

Internet has revolutionized information gathering and communication on a global scale.

As Secretary of State Madeleine Albright recently stated about the growing threat of worldwide terrorism, "the advance of technology has given us new means to counter terrorists, but it has also enabled terrorists to development more powerful weapons and to travel, communicate, recruit, and raise funds on a global basis."

It is against this dangerous background that we are here today to consider the best method of distributing sensitive information to the public, while also doing our very best not to facilitate acts of terrorism against those who live near or work in these facilities throughout our Nation.

In response to security concerns from the FBI, the CIA, this committee, and others, EPA recently abandoned its original reckless plan to put the "worst case scenario" data at every terrorist's fingertips by posting it on the Agency's own Internet website.

But EPA has yet to propose a suitable plan for providing this sensitive information to third parties, despite being aware of the potential danger for the last year, if not longer. And now we are facing a June 21, 1999, deadline to correct this problem. Because that is the date by which all these facilities must submit their data to EPA.

Reasonable people can debate how much the terrorist threat to these communities will be increased by posting "worst case scenarios" on the Internet, but I believe the consequences of just a single actual attack could be so deadly, so tragic, that we cannot ignore even a small increased risk. We are talking about the life or death of real people, fellow Americans.

In this regard, I was honored to meet yesterday Ms. Diane Leonard, a remarkable woman who was married to a Secret Service Agent killed in the Oklahoma City bombing, in April, 1995. Since then, she has worked to help victims of terrorism and to persuade legislators to take seriously the fight against terrorism. We learned from her that our debate has a human face and, with it, a human tragedy.

I would like to share with you what she told me yesterday. I hope EPA is listening. She said, "If any of those supporting the dissemination of this information on the Internet could step inside any of us who have lost loved ones to terrorism, they would change their position on this issue. They could feel the immense pain and the enormous hole that is left in your heart. They would not want to take the slightest risk with the lives of their husbands, wives, parents, children, or grandchildren."

Let me stress that no one here, including those in law enforcement and the intelligence communities, is advocating that we should keep this information locked up or away from those communities that have these facilities located within them or nearby. I, for one, certainly support making sure that these communities have access to all information about the risks associated with their facilities. But we also must ensure that the way this information is provided does not end up harming the very people that Congress intended to protect. While no plan is foolproof, we certainly shouldn't do anything to make it easier for those who want to harm our Nation and our neighbors.

Because we can achieve both these goals without sacrificing the other, I believe we must achieve both. We owe nothing less to the American people.

I hope by holding this hearing today, we can persuade those groups that seem intent on acquiring and spreading this information to do so responsibly.

And, Mr. Chairman, I would like, at this time, to ask unanimous consent to insert in the record a letter that I received from the Assistant Director of the Office of Public and Congressional Affairs at the FBI concerning this. And I will quote briefly from it.

"This communication is sent in response to your letter dated September 17, 1998. Publishing the Offsite Consequence Analysis (OCA) data of the risk management plans on the Internet would provide a targeting tool for a person planning a terrorist or criminal act. The OCA contains the 'worst case scenario' information, which includes distance to endpoint calculations detailing the size of an area affected in a release." And it goes on from there.

And with that, Mr. Chairman, I ask unanimous consent to make it a part of the record, and thank you for yielding me this time.

Mr. UPTON. Without objection, so ordered.

[The information referred to follows:]

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
October 9, 1998.

HONORABLE TOM BLILEY
Chairman, Committee on Commerce
House of Representatives
Washington, DC 20515

DEAR MR. CHAIRMAN: This communication is sent in response to your letter dated September 17, 1998.

Publishing the Offsite consequence analysis (OCA) data of the Risk Management Plans (RMP) on the Internet would provide a targeting tool for a person planning a terrorist or criminal act. The OCA contains the Worst Case Scenario information which includes distance to end point calculations detailing the size of an area affected in a release. The OCA information also provides the population affected which, stated in another way, is the number of potential casualties from an attack on a particular facility. Additionally, the RMP information could be searched by zip code or address to target a particular area first, and then by reviewing the available RMPs an attack could be tailored for effectiveness.

EPA proposed placing all of the information on the Internet, while including "speed bumps" in the system to slow down access. This proposal has been reviewed within the FBI and the Intelligence Community and has generally been determined to be an ineffective means of protecting the information.

The FBI and the EPA have been working together to identify options to the Internet distribution. The following mechanisms have been identified, which would provide the information as directed in the Clean Air Act and yet limit the potential for misuse of the information for a terrorist or criminal act:

- The RMPs, minus the OCA data, would be available on the Internet. This would eliminate the targeting potential. This would however provide individuals with registration information regarding facilities in their area, Five Year Accident History, Prevention Programs, and Emergency Response information. This would be available in an open format.
- State and local government agencies would have access to all national RMP data via a closed computer system. This system may have resource implications involved, however, this will allow for up to date immediately available information to first responders and emergency planning agencies while protecting the information from improper dissemination.
- A compact disk (CD) of the information could be created for research and environmental organizations with all of the comparison data, without the identifying or contact information. This would allow for national trends and to be analyzed

and nationwide data to be studied, but would alleviate the potential for targeting of particular facilities based on this information.

These mechanisms should address all of the compliance issues facing EPA regarding the implementation of the Community Right to Know legislation and will also provide useful information to researchers and environmental groups.

One issue left unresolved by these suggestions involves the re-distribution of information on the Internet by private groups. The information could be collected by private agencies through Freedom of Information Act requests (FOIA). Current FOIA law would require release of this information in an electronic format. EPA advised FBI that environmental groups have stated they will acquire the information and disseminate over their web sites if EPA does not provide the information in its entirety via the Internet.

Sincerely yours,

JOHN E. COLLINGWOOD,
Assistant Director, Office of Public and Congressional Affairs.

Mr. UPTON. The gentleman from the great State of Michigan, Mr. Stupak, is recognized for——

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. UPTON. [continuing] an opening statement.

Mr. STUPAK. Thank you, Mr. Chairman, and thank you for holding the hearing here today. First, let me say I look forward to working with Chairman Bilirakis, again, on the Health and Environmental Subcommittee. And I want to welcome my colleague from Michigan, Mr. Upton, as Chair of the Oversight and Investigations Subcommittee.

The Oversight and Investigations Subcommittee of the Commerce Committee has a very distinguished history. I am proud to work with my friend and colleague from Michigan and look forward to him returning the Oversight and Investigations Subcommittee to its proper role.

I know there are no shortages of work in areas like healthcare, the environment, telecommunication, energy, and securities. It is my hope we can examine many of these issues to perform oversight on the Federal Government, State government, and private industry.

As a former law enforcement official, I feel very strongly about preventing terrorism and protecting our citizens. I believe it is reasonable to question how the information required by section 112(r) of the Clean Air Act should be made available to the public and to emergency response units.

I want to hear from the EPA, the FBI, and other interested stakeholders about its information. However, I also want to keep "our eye on the ball" and not become hysterical. With all due respect, I cannot understand why some members had a press conference with the widow of a victim of the Oklahoma City bombing about this very subject. I would point out that under section 112(r), the Federal building in Oklahoma City would not have had a file a risk management plan; hence, this hearing does not involve the Oklahoma City bombing. To bring forth this tragic event is wrong.

On the other hand, section 112(r) would have covered the Ford plant that recently experienced an explosion in Detroit. It is possible that information contained in the plan could have assisted the emergency response team in extinguishing the explosion and helping the many injured people there.

Section 112(r) was inserted into the Clean Air Act to ensure that citizens had the ability to understand the dangers in their community and to require industry plans for possible disasters. I know of

no incidents of terrorism where an industrial facility was the target of a terrorist attack, but can think of a number of industrial accidents where risk management plans could have helped, and should have helped.

In Michigan, in my district, there has been intentional and also accidental release of "sour gas," better known as hydrogen sulfide, from gas wells in Michigan. Over 30 people have been hospitalized in the last 18 months; 9 of them in October. Even the emergency response crews who tried to help the injured were overcome by these fumes.

Finally, I cannot help but think all the publicity surrounding this hearing is having an unintentional consequence. Later on today, we will hear from a witness who explains how the cluster of industrial facilities surrounding Delaware City are vulnerable to terrorist attack. Unfortunately, the testimony will paint exactly the type of roadmap that he is concerned about, that the EPA will provide. So what do we do then? His testimony will then go on to the subcommittees' website and be made available to the public and terrorists all around the world.

Mr. Chairman, I think we can have a reasonable discussion today about how the information made available under section 112(r) should be made available to the public and emergency response units. I have spent my life as both a law enforcement officer and a public official concerned about protecting our citizens.

I certainly think that preventing terrorism is an important and urgent goal, but I don't think we should use rhetoric and overstated fears in order to justify amending the Freedom of Information Act.

I look forward to the witnesses and to the discussions that will follow, and I look forward to working with both chairmen today and in the future.

Thank you.

Mr. BILIRAKIS. I thank the gentleman.

Mr. Bryant, for an opening statement.

Mr. BRYANT. Thank you, Mr. Chairman. Mr. Chairman, and my fellow members of the committee, good morning.

As a new member of the Commerce Committee, I just wanted to say that I am looking forward to serving in this new capacity and looking forward to working with you all.

I want to welcome our guests and witnesses who are with us today and thank you for your time and your testimony this morning.

The issue that we are addressing today seems to be primarily about competing policy concerns; that is, keeping the public informed of potential threats from chemical accidents, and keeping the threat of terrorist attacks to a minimum. It also seems to me that these two concerns are not mutually exclusive.

I understand that there is a need for State and local emergency and health officials to have access to the information contained in the "worst case scenarios," but there should be a way—and maybe we will address this today—to make certain that the parties who need to know all the information they need can get that without creating security risks.

That having been said, I will say that my primary concern here today is that we do not make it easier for terrorist entities or others in the United States or elsewhere in the world to search for and target facilities with large supplies of potentially dangerous chemicals.

I can tell you, too, that I would place a great emphasis on what our professional law enforcement agencies opinions are, and especially the Federal Bureau of Investigation.

But I do want to thank the chairmen today, both Chairman Bilirakis and Chairman Upton, for holding this hearing. I think it is an important issue and one that could impact millions of Americans, and I look forward this morning to hearing the different opinions represented here, and, hopefully, we will be able to shed some light on this matter.

Again, I thank the chairmen.

Mr. BILIRAKIS. And I thank the gentleman.

Ms. DeGette, for an opening statement.

Ms. DEGETTE. Thank you, Mr. Chairman.

First, Mr. Chairman, I would ask unanimous consent to submit Congressman Green's opening statement for the record.

Mr. BILIRAKIS. Without objection.

[The prepared statement of Hon. Gene Green follows:]

PREPARED STATEMENT OF HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman, for holding this important hearing on the distribution of disaster plans of companies by the Environmental Protection Agency.

I support the original statue that would make these risk management plans, including the "worst-case" scenarios, available to the public.

American citizens need have the right to know the risks of living in a particular community and local officials need the information in the event of an accident.

However, we must also balance this right to know with those dangers with the need to prevent this information from being used to do harm to our workers and community.

In the years since this law was passed, only two deliberate attacks on facilities have occurred.

Meanwhile, over 1 million accidents have occurred. With this in mind, I believe we should focus on ways to increase our response times to these accidents and limit the amount of harm caused by them.

Posting or not posting this information on the internet will not stop those who seek to attack these facilities. Making these plans more widely available will, however, increase the safety of those who live near the facilities where hazardous materials are produced, stored or used.

Moreover, reducing the hazardous materials and potential danger would reduce the incentive of potential terrorists to target these sites.

In my district in east Harris County—Houston, Texas, I have attended meetings for over a year with my local industry on the "worst case" scenarios—we need coordination, and if a real problem exists lets correct it without limiting our "right to know" laws.

My district, located in Houston, has many communities—Galena Park, Channelview, Jacinto City, Pasadena—that sit side by side with large petrochemical plants.

The residents of those communities deserve to have easy access to this information, so that they can know what dangers are in their backyards.

Any information that the EPA releases should not contain details of the facilities' security measures or specifics of the layout. This would also make targeting facilities more difficult.

I believe that, while there is the potential for this information to be misused, the benefits of letting families know what hazards are in their neighborhood should be our foremost concern.

If we reduce the amounts of chemicals being stored at these sites, then we reduce the chance of a major disaster, whether caused by accidental or deliberate actions.

Finally, it is my understanding that the EPA already has the power to ensure that these facilities have an adequate level of security for the materials that they store.

Just like we should develop security guidelines to protect our embassies abroad, we should do the same for all potential domestic targets.

It is worth noting that the embassies that were recently bombed did not meet the suggested security guidelines.

Mr. Chairman, in our attempt to prevent terrorism, we should not place our citizens' health at greater risk by withholding valuable information.

Ms. DEGETTE. Thank you.

Mr. BILIRAKIS. The opening statements of all members of the two subcommittees are made a part of the record.

Ms. DEGETTE. Thank you, Mr. Chairman.

Mr. Chairman, initially, let me say I am very pleased and honored to welcome here a Colorado citizen and, also, a long and dear friend of mine, Tim Gablehouse, who will be testifying before this committee. Tim is a member of the Colorado Emergency Planning Commission and serves as the chair of the Governor's Interagency Advisory Group on Hazardous Materials. He is also a member of the Clean Air Act Advisory Subcommittee on Accident Prevention. And a little-known fact about Tim is he was one of the prime authors of the brownfield legislation that we passed in a bipartisan way in Colorado when I was in the statehouse, which has now cleaned up scores of sites, and businesses and environmental groups love this bill. So, I am very glad that Tim is here today to lend us his expertise on this particular area.

Mr. Chairman, under the Clean Air Act, section 112(r) requires an estimated 66,000 facilities that use extremely hazardous chemicals to alert workers and the public what could happen in a chemical accident. And it is important to note that this particular section is restricted to agencies that use extremely hazardous chemicals. The scenarios are part of a larger risk management plan and are designed to prevent pollution and protect our communities.

Local agencies, like fire departments, benefit greatly from access to these plans. But, also, people like school principals who have schools located near a plant benefit greatly from knowing what kind of evacuation plan they need to put in place if there is an accident.

So, why are we here today to debate this? Because, we are told terrorists might find the information and target facilities? But is our concern so great today that we are willing to shroud a veil of secrecy around these chemical facilities and forsake the safety and health of families who live in nearby neighborhoods, especially since the information we are providing is not information that could give intimate details that would give someone any better ability to undergo a terrorist attack?

Broad public availability of these plans is essential to provide communities with the most accurate and timely information regarding toxic chemicals and offsite consequences of accidents scenarios. This is information communities need to have to make intelligent decisions on how to prepare for chemical accidents.

Many of these communities are in rural areas with volunteer fire departments, without the specialized equipment or training to safety respond to hazardous waste and chemical fires.

Another thing I did when I was in the statehouse was we recognized the need for legislation in places where you have volunteer fire departments like this and other agencies, when we passed—in a bipartisan, overwhelming way—legislation that I authored which increased the access and streamlined the access that these local agencies would have to risk management plans. And those kinds of access are working very, very well in many places. As far as I know, we haven't had one terrorist attack on any of these facilities in Colorado. And we have broadened the information available to local agencies and neighborhoods.

Some industry groups are opposed to the broad public availability of these plans on the Internet because of the threat of terrorism. But, as I said, these plans do not provide critical details such as security measures at the facility, which would be essential to a terrorist attack. In fact, now, any person can obtain information about the largest and most dangerous chemical facilities without access to the Internet. State-sponsored terrorists have many other tools to work at their disposal. Local criminals or disgruntled workers certainly are not going to need the Internet for their nefarious deeds. You don't need to be a rocket scientist or use the Internet to figure out how to wreak havoc on a facility.

The EPA has a legal obligation to make sure that accurate information is available to the public. And I think that whichever way they decide is the most important. We should support that through this committee. And that is why last year, in April, I wrote a letter to Carol Browner, the Administrator of the Environmental Protection Agency, urging the EPA to fully implement the risk management planning provision of the Clean Air Act, to give communities full and open access to information regarding toxic chemicals and accident scenarios.

And I would ask unanimous consent to submit my letter for the record, Mr. Chairman.

Mr. BILIRAKIS. Without objection.

[The information referred to follows:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
April 24, 1998.

THE HONORABLE CAROL BROWNER
Administrator, Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

DEAR ADMINISTRATOR BROWNER: I am writing to urge you to fully implement the Risk Management Planning provision in Section 112(r) of the Clean Air Act to give communities full and open access to information on toxic chemicals and accident scenarios. As you know, I am committed to the protection of the public from the risks presented by chemical storage and use, especially in the minority communities within my district that have been unfairly subjected to these risks.

I believe that broad public availability of these plans is essential in providing communities with the best and most timely information regarding toxic chemicals and the off-site consequences of accident scenarios. I am aware, however, that some industry groups are opposed to the broad public availability of these plans on the Internet because of the threat of terrorism. This concern is misplaced, however, because Risk Management Plans do not provide critical details, such as security measures at a facility, which could be used by terrorists.

The EPA has a legal obligation to make certain that accurate information is made available to the public. Planning for a response to a chemical incident demands the communication and cooperation of the impacted public, first response agencies and facilities. Failing to make the off-site consequence analysis available could promote

speculation and unnecessary confusion for the public. Therefore, I urge you to go forward with this implementation.

Thank you for attention to this matter. If you have any questions, please feel free to contact me or have your staff contact Nick Karamanos at (202) 225-4431.

Sincerely,

DIANA DEGETTE,
Member of Congress.

Ms. DEGETTE. Thank you.

Mr. BILIRAKIS. Please finish up.

Ms. DEGETTE. I am.

Mr. BILIRAKIS. Thank you.

Ms. DEGETTE. I accept the possibility, Mr. Chairman, though very remote, that terrorists might try to use the risk management plans. But I think that the benefit to communities far outweighs this small risk, and, therefore, I think that this provision of the Clean Air Act should be implemented in the most fair and public way possible.

And I yield back the balance of my time.

Thank you, Mr. Chairman.

Mr. BILIRAKIS. I thank the gentlelady.

Dr. Coburn, for an opening statement.

Mr. COBURN. I have no written statement, but I would make a couple of comments.

Being from Oklahoma, we know what terrorism does. We are very well aware of what it does. I, also, have in my district, a company that had a fire that we did not have the knowledge on. So, I understand, also, the importance on how to address that.

As we go forward in this, it is very important that both of those concerns be evaluated. I am tending to side, as I wait to hear your viewpoints, on the fact that the information, in the long run, will not hurt us and that it, in fact, may help us despite the risk.

But, I do not believe that you can underestimate the risk of potential terrorism with this information. And I have 180 families from Oklahoma that would gladly testify to that effect.

So, please, do not carry it lightly, the potential impact that information in the wrong hands can have, because when it is used and made easy, people do die, and families are disrupted.

And I yield back.

Mr. BILIRAKIS. I thank the gentleman.

Mrs. Capps, for an opening statement.

Ms. CAPPS. Thank you, Mr. Chairman.

I am very honored to be a part of this subcommittee and look forward to working with you on this and other issues.

I want to let the witnesses know today that I have come with an open mind; I want to learn about this. It is a new area that we need to explore carefully, and for my part, with an open mind.

I have long, in my community, been a part of disaster-preparedness, task forces, and plans. And I can tell you some chemical "worst case scenarios" that, in the fragile part of the central coast of California where I live, where there is one highway—just one—that goes up and down my district. That being responsible for the health and well-being of a lot of schoolchildren, we did have toxic spills, and we were faced with some local disasters which I must keep in mind as I listen carefully today.

Thank you very much.

Mr. BILIRAKIS. Thank you very much, and you are more than welcome to this committee.

Mr. Blunt, the gentleman from Missouri. He is not here.

Mr. Bilbray, for an opening statement.

Mr. BILBRAY. Yes, Mr. Chairman.

I would like to welcome our new member from California, and let me just say, in the spirit that our new member brought up, I would ask us not to take such hard-line positions one way or the other. My background of—as I have stated before, coming from the county of San Diego, with 2.8 million people, those of us in California were addressing this issue not more than, you know, probably 10 years ago. And the issue of, can you protect the public from terrorism, at the same time protect them from the dangers of uncontrolled and irresponsible handling of hazardous waste, is something that we tried to balance in California almost a decade ago.

I would just ask us to understand that there has got to be a happy medium between giving the information that terrorists can use, and as the gentleman from Oklahoma pointed out; it's not a problem, and you do not realize it is a problem until it is too late, and then everybody sort of strikes their breast and says, "Oh, how could we be so sinful to overlook this problem?" And the other side, though, we have got to be able to balance the issue of making sure that we are not giving a formula for terrorism, but also the fact of allowing the public the right to know.

I think that there is the flip side of the right for trial lawyers and, basically, people who would use psychological terrorism on the community would use that information. But on the flip side of those who are in the business community, who would love to hide the fact, that maybe there are irresponsible handling of hazardous materials.

I would just ask us to try not to get painted into one corner or the other extreme, because the answer is that more toward the middle. And, I think that the American people deserve for us to talk about the facts and work out an answer, rather than draw lines at one extreme to the other and be able to throw problems at each other.

So, I would yield back my time, Mr. Chairman.

Mr. BILIRAKIS. Ms. Eshoo, for an opening statement.

Ms. ESHOO. Mr. Chairman, I am not going to compete with the bells, but what I will do is submit my opening statement for the record and thank both of the ranking members and the leaders of our subcommittees for having this joint hearing.

I think this is an issue that we all care about, and the full disclosure of accidents and our analysis is really very important to encouraging the right kind of information to come forward.

I don't see this as a partisan issue. We need to bring the best of what the Commerce Committee has been about, to help set up a network and something that is going to work across the Nation to serve all of our constituents.

Thank you.

[The prepared statement of Hon. Anna G. Eshoo follows:]

PREPARED STATEMENT OF HON. ANNA G. ESHOO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman.

With passage of Section 112 of the Clean Air Act, Congress took a giant step forward in the effort to prevent pollution, save lives and protect property.

We acknowledged, with that bill, that full disclosure of accident scenarios is critical to encouraging safer technologies and reducing hazards associated with chemical spills.

Unfortunately, chemical accidents are not infrequent.

Every 15 minutes, a chemical fire, spill, or explosion occurs in the U.S.

In my district alone, 78 chemical releases were reported to the National Response Center last year. And those represent only the *reported* incidents. Many incidents are never even reported.

We all want to ensure protection from chemical terrorism.

I was very pleased to see an additional $1.4 billion in the President's budget for domestic defense against biological attacks.

However, a firm commitment to prevention of deadly chemical releases is equally critical.

And the best way to ensure community safety—whether from wrongdoing or ordinary accidents—is to reduce the inherent hazards of chemical operations.

I am looking forward to hearing from all of the speakers on how we might fashion a thoughtful solution to ensure community access to critical chemical release data while not facilitating acts of terrorism.

Mr. BILIRAKIS. I thank the gentlelady for her very wise remarks. She is known as maybe the wisdom of this committee.

Mr. Burr, for an opening statement.

Mr. BURR. Thank you, Mr. Chairman, and I will be extremely brief.

Mr. Chairman, I remember the last time I had the opportunity to meet with Shimon Peres here, and I remember looking across the table to him and asking one question: What do you see as our greatest threat in the future? And he looked at me and he said, "The disregard for human life. The ability for somebody willing to give their life to make a political or ideological statement by taking the lives of potentially millions of people."

This really isn't a difference that we have got about public disclosure. It is a concern that exists between parties about terrorist disclosure.

I want to read you one thing; it is Presidential Decision Directive 39, PDD 39. The EPA is a listed, covered agency. The general statement said that "it should be the directive that terrorism is both a threat to our national security as well as a criminal act. The administration has stated that it is the policy of the United States to use all appropriate means to deter, defeat, and respond to all terrorist acts on our territory and resources, both people and facilities. Wherever they occur in support of these efforts, the United States will"—and let me just read point one—"employ efforts to deter, preempt, apprehend, and prosecute terrorists."

I believe that this directive clearly states that we will make it difficult, if not impossible, for terrorism on our territory, not easier.

Clearly, I think that, Mr. Chairman, we need to exercise common sense as we go through this. This is not a difficult issue. But, clearly, there are differences between competing agencies that they could solve, if they would just read this directive.

And I yield back.

[The prepared statement of Hon. Richard Burr follows:]

PREPARED STATEMENT OF HON. RICHARD BURR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Thank you Mr. Chairman. As a Member of both the Health and Environment and Oversight and Investigation subcommittees, I am pleased that we are having this hearing today. Since my first year in Congress, we have spent a good deal of time looking at problems that arose out of the Clean Air Act Amendments. Today the issue that we face is, in my opinion, quite grave. In addition to sitting on the Commerce Committee, I am fortunate to have a seat on the International Relations Committee. On that Committee, we are very concerned about the activities of international terrorists and our nation's ability to prepare for and respond to terrorist incidents abroad. In the wake of the Oklahoma City and World Trade Center bombings, it is important to realize that we face both an external and internal terrorist threat. I believe this hearing is an important step for this Committee and this Congress in dealing with terrorist threats at home.

The witnesses we have assembled for today's hearing have varying positions from 1) we should not gather worse case scenarios; 2) we should have the worse case scenarios, but not allow them to be produced in electronically reproducible formats; 3) we should post the scenarios on the Internet for all to see; and 4) that this is public information, and should be easily retrievable.

I personally have great concerns that the information on worst case scenarios could fall into the wrong hands. If an individual or group wants to do harm on American soil, this information could quickly and easily point them to a location that is both environmentally sensitive and would, if tampered with in some way or destroyed, have a pretty good idea of how many people would be killed or injured.

Our country has a proud safety tradition. As our industries continue to work to assure a safe work environment and a high community safety record, does it really make sense to post how to cause the greatest damage at these locations?

I believe making worst-case scenarios publicly available puts us in the position of having to deal with a Bhopal-type chemical release that could potentially kill and injure thousands of people. Only this time, it would not happen in a far-away country, and *it would not be an accident.*

I look forward to our exchange with our witnesses. I particularly will be interested to learn what type of interagency review this decision has undergone and to learn about any technological advances that have been made to make sure that this sensitive information is kept secure.

While we consider the very serious internet publication and security questions that are before us today, I would also remind my colleagues that we need to consider the business impacts upon those in our communities who must comply with the risk management plan rules. Specifically, it concerns me that the EPA, the agency charged with protecting our environment, has included non-toxic fuels like propane under this rule. But that is an issue for another day and another hearing.

Again, thank you for holding this hearing and thank you to our witnesses for their testimony.

Mr. BILIRAKIS. I thank the gentleman.

Mr. Barrett, for an opening statement.

Mr. BARRETT. Thank you, Mr. Chairman.

Let me simply say it is a pleasure to be on the committee.

Mr. BILIRAKIS. Thank you; you are more than welcome.

Mr. BARRETT. I know we have got a vote time—and I am looking forward to hear the testimony.

Thank you.

Mr. BILIRAKIS. I thank the gentleman.

Mr. Greenwood, for an opening statement.

Mr. GREENWOOD. Thank you, Mr. Chairman.

I can only add that I think this is a technical question. I think that we will yield to bare-minded reasoning, and I think we ought to be about that business.

I yield back.

[Additional statements submitted for the record follow:]

PREPARED STATEMENT OF HON. NATHAN DEAL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Good morning and thank you, Mr. Chairman, for holding this hearing regarding the proposed internet posting of chemical "worst case" scenarios.

Over the years, Congress has enacted numerous laws to ensure that the public is protected from chemicals, and to give the public more information about chemicals in their neighborhoods and on store shelves. An element common to our environmental protection programs is the government sets protection levels at a level that includes a large margin of safety. For example, if a pesticide is being tested to determine whether it is safe, margins of safety are built in when considering the amount of pesticide that will be used, the number of people who might be exposed, the amount that will remain on the crop when it reaches the consumer, the amount the consumer will eat, and the susceptibility of a given person to dangers from the pesticide. The final limits set by the government may be 1,000 times more stringent than necessary to be protective, all in the name of safety.

Generally, the same kind of safety precautions are built into programs dealing with other chemicals. Regulators at the Environmental Protection Agency and other agencies know that it is not enough to base safety standards on the common man. They make sure our standards cover the uncommon person who would be more susceptible. This not only includes children, but also groups or individuals who because of advanced age, genetic, cultural or other reasons may face greater risks.

While these safety precautions are important, I am concerned about the way the EPA is implementing the "Risk Management Plan," which contains, among other things, "worst-case scenario" data. The plans to make this information available to the public in a searchable electronic format could pose the potential threat of allowing foreign companies to gain information about American industries. Law enforcement officials have warned that such a format could give terrorists blueprints to industrial facilities. I am quite concerned that the EPA could not prevent third parties from gaining access to the "worst case" scenario data in electronic format and posting it on their own websites. It could potentially cause real-life consequences by putting information about the chemical industries on the world wide web. Congress ought to pass laws to make people safer, not increase risks.

I thank the Chairman for focusing on this issue, and look forward to hearing from our witnesses.

PREPARED STATEMENT OF HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

I'd like to thank the two distinguished chairmen, Mr. Bilirakis and Mr. Upton, for holding this important—and timely—hearing today on the national security and public safety implications of electronic dissemination of chemical release data. I see that we have several panels of experts in the field of law enforcement and emergency response who will focus on the extent of the problems which could arise should this information be placed on the Internet. I look forward to hearing their testimony.

In recent months, I have heard from numerous propane dealers in my State of Wyoming regarding their concerns about the potential for terrorist attacks on their facilities should the EPA disseminate the Risk Management Plans to the public, including the worst-case scenario data. I share their concern in that regard and believe that the threat of terrorism far outweighs the public safety concerns.

The threat of terrorism is growing worldwide. We have witnessed far too much of that here at home in recent years, with the Oklahoma City bombing, the bombing of the World Trade Center in New York and attacks on individuals with letter bombs by Theodore Kazinsky. We need not give these terrorists additional means to impose their will upon the citizens of this country.

It is my hope that today's witnesses will provide these subcommittees with some concrete suggestions as to how to provide communities with adequate information to respond to chemical accidents, while avoiding the risk of making it easier for international terrorists to obtain this potentially dangerous information on the World Wide Web.

Thank you.

Mr. BILIRAKIS. All right. I appreciate the consideration of part of the members. We do have a vote on the floor. I think maybe the wise course at this point in time, since we have no further opening

statements up here, is to recess. We will run over, make the vote, come back, and then we can start with you good gentleman.

Thank you for your patience.

The Chair has recessed then for, let us say, 15 minutes or so.

[Brief recess.]

Mr. BILIRAKIS. Can we have order, please?

The first panel consists of Chief John M. Eversole, Chief Fire Officer and Commander, Hazardous Materials Division, city of Chicago Fire Department; Mr. Robert M. Blitzer, Associate Director, Center for Counterterrorism Technology and Analysis, Science Applications International Corporation, McLean, Virginia; Mr. E. James Monihan, Volunteer, Lewes Fire Department, in his capacity as Delaware State Director; Mr. Timothy R. Gablehouse, Chair of Jefferson County Local Emergency Planning Committee, member of Clean Air Act Advisory Subcommittee on Accident Prevention, Denver, Colorado, and Mr. Brett Burdick, Environmental Programs Manager, Department of Emergency Services, Commonwealth of Virginia, Richmond, Virginia.

Welcome, gentleman. Chairman Upton and I look like we are playing musical chairs up here this morning. You should know—you probably have already guessed—that he is a member of the Committee on Education, and they have a markup taking place in the committee. Every time he shuffles out of here, he has got to vote either on the floor or in committee.

Mr. UPTON. Mr. Chairman, if I indulge, I am just glad I got Mr. Greenwood to go with me because he is on the committee as well, and it was by one vote that we prevailed.

Mr. BILIRAKIS. You prevailed by one vote.

Mr. BURR. Mr. Chairman.

Mr. BILIRAKIS. Yes, sir.

Mr. BURR. Could I ask for a unanimous consent request and the indulgence of my colleagues on the other side to enter into the record the GAO report, "Combatting Terrorism," which is where I quoted from, and I have been asked——

Mr. BILIRAKIS. Without objection, that will be done.

[The report, GAO/NSIAD-97-245, is retained in subcommittee files.]

Mr. BROWN. Mr. Chairman?

Mr. BILIRAKIS. Mr. Brown.

Mr. BROWN. I also ask unanimous consent to enter into the record, one, the opening statement for Mr. Dingell, then, a letter to Mr. Waxman from the Environmental Health Coalition and, also, a letter to Mr. Bliley from several groups; OMB Watch and several others, if I could ask——

Mr. BILIRAKIS. Without objection, that will be the case.

[The prepared statement of Hon. John D. Dingell and the letter referred to follow:]

PREPARED STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman, you piqued my interest with your catchy title for this hearing: "Worst-Case Scenarios: A Roadmap for Terrorists?"

That question certainly deserves an answer. But it also begs another question: If worst-case scenarios are a "roadmap for terrorists," then what? Do we abolish the clear statutory requirement for planning for "worst-case scenarios" at industrial fa-

cilities? Do we restrict the public's access to this information? That will demand a careful balancing of the public's need for this information against the reality (and I hope we will carefully consider the *reality*) of terrorist threat.

I know all too well, and all too recently, the devastation felt by a community rocked by an industrial disaster. Nine days ago, an explosion at Ford's River Rouge Plant in Dearborn, Michigan killed two employees and injured thirty others, many of whom are in critical condition.

We are virtually certain that this was no act of terrorism. It may have been caused by something less intriguing, like natural gas, coal dust, or other hazardous materials routinely kept on site—everyday practices, for some reason, gone awry. An explosion caused by something much more common than an act of terrorism can be just as deadly.

It was just these types of devastating *daily* occurrences that section 112(r) of the Clean Air Act was designed to prevent. They range in magnitude from the disaster at Bhopal to a relatively small plant fire which causes no injury. I know that terrorism is a more newsworthy topic, and one of policy and political interest to both parties. But in this inquiry today, and anything that may result from it, we must not lose sight of the important purposes of section 112(r), entitled "Prevention of Accidental Releases."

The intent of the drafters of this section is clear. The section provides, "It shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release *and to minimize the consequences* of any such release . . . of any substance listed . . . or any other extremely hazardous substance." To achieve this purpose, the facilities that handle threshold amounts of extremely hazardous substances are required to implement risk management plans to *detect and prevent or minimize accidental releases*, and to provide a prompt emergency response to any such releases. An integral part of this plan is the evaluation of worst case accidental releases—also called the worst-case scenario. This is a statutory requirement, one which Congress believed was necessary to provide first-on-the-scene responders all information possible to save lives and property. But the statute also provides that all of the information shall be available to the *public* on an equal footing with the other recipients of this information.

We may ask why the public needs this information. What can a community do to prevent accidental releases at a facility in the community, or 2,000 miles away? The answer is: plenty. The community is likely comprised of workers at that facility who can talk to the management about their handling of dangerous materials in the community. The management could, in turn, implement better practices nationwide. The community can put together plans for land use based upon information that the facility gives them. Some small communities do not have local agencies charged with emergency response planning, so they need information to develop their owns plans for response. In short, Congress saw the wisdom of enabling the community to minimize risks to their own families. If the facility that stores extremely dangerous substances listens to its workers and creates a safer workplace, then the facility is less prone to accidents or terrorist attack, and the intent of the statute has been met.

In making any decision as to whether we should create obstacles to public disclosure, we must also consider this reality: anything we make available to the public, we also make available to certain people who intend to use it for unlawful purposes. The drafters of the Clean Air Act may not have been sensitive to Internet issues, but we certainly knew this inherent risk of a free and open society.

As to the particular mode of disclosure on the Internet, we should ask several questions. If the worst-case scenario information is placed on the Internet, is there any more risk of terrorist attack than if it were available in print? What is contained in the worst-case scenario that might provide a roadmap for terrorists? As I read the requirements, there is no obligation that a facility disclose the exact location of its on-site tanks, or the valves on those tanks. There certainly is no requirement that the facility disclose the nature of its security system. Is the information so much more attractive to terrorists than that which already has been disclosed by these facilities, that is already on the Internet, and that has not been attractive to terrorists thus far?

I hope that we will carefully consider the answers to these questions, and weigh these answers against the need to prevent and minimize the consequences of the more common phenomenon of industrial accidents like the tragedy in Dearborn.

As of yet, we have seen no legislative proposal from the Majority on this issue, and indeed such a proposal would be premature prior to our obtaining more information. I would hope that any legislative proposal would be bipartisan in nature, and expect that it undergo a full and fair legislative hearing.

ENVIRONMENTAL HEALTH COALITION,
SAN DIEGO, CA 92101,
February 9, 1999.

Rep. HENRY WAXMAN
2204 Rayburn House Office Building
Washington, DC 20515

DEAR REPRESENTATIVE WAXMAN: I am writing today to tell you that the California Risk Management Prevention Plan law has worked well to reduce chemical accident hazards, without any incidents where publicly available information was misused in any way.

The Environmental Health Coalition is an 18-year-old environmental justice organization that works on toxic pollution in the San Diego-Tijuana region. California's Risk Management and Prevention Plan program was passed in 1987 and administered in San Diego County by the County Department of Environmental Health. Since the first local RMPPs were completed in 1990, EHC has watch dogged this program and reviewed and commented on the draft public RMPP documents. In reading these public documents we have made significant changes in their equipment, operating procedures, and training in order to reduce their accident hazard. We believe that knowing the RMPP will be publicly available is a major motivating factor for the industries to undertake risk reductions. This right-to-know aspect of the RMPP program is an important way that the program achieves the objectives of reducing accident risk. After reviewing the RMPP public documents, we have recommended additional improvements to the industry's prevention plan, which have often been accepted. Beyond this, the RMPPs have served to educate us and the communities we serve about the extent of the accident hazards from chlorine gas, ammonia, and other acutely toxic materials. We are able to engage in more informed dialogue with RMPP industries about their accident hazard to the community. At no time has the information ever been used in California for any terrorist types of acts. This is a completely bogus issue which is always raised when the public's right to know is at issue.

In sum, the Right to Know always works to protect the public health, and has never produced any of the negative consequences that are feared from it. The RMPP program in California has reduced accident hazards at many sites, without public hysteria, terrorist incidents, or any other catastrophic outcomes.

Sincerely,

JOY WILLIAMS,
Community Assistance Director.

February 9, 1999.

The Honorable THOMAS BLILEY
Chairman, House Committee on Commerce
United States House of Representatives
Washington, DC 20515

DEAR CHAIRMAN BLILEY, As organizations committed to preserving the public's right to know, access to government information, and the free flow of information, we are writing to express our concern and opposition to proposals to limit public access to concerning accidents at chemical plants (EPA's unclassified Worst Case Scenarios data). It is our understanding that you are considering the creation of a new exemption to the Freedom of Information Act (FOIA), or amending the Clean Air Act to exempt this information from the provisions of FOIA, and have discouraged the EPA from using the Internet to provide public access to this publicly available data.

FOIA was designed to allow the public to inquire about and monitor government activities. Since its passage, individuals, journalists, academics, community leaders have used FOIA to research, study, and utilize public information created or collected by the government. FOIA gave government the affirmative responsibility to make information widely available to the public.

Three years ago, Senator Patrick Leahy's amendments to FOIA, EPOIA, expanded the rights of individuals, assuring public access to information in all media, and encouraged the use of the Internet for the dissemination of government information. EPOIA ensured that the public's interest in access to information would benefit from advances in technology and that information could not be withheld simply because it was in electronic form.

The Clean air Act, like FOIA, seeks to empower citizens by providing information critical for communities to assess the safety of companies operating in their midst

by planning and comparing information about their communities in order to make informed decisions about their lives. the dissemination of information is critical to the success of the Clean Air Act, giving individuals the ability to monitor the toxins in their community.

The Internet and other digital media have given individuals an unprecedented ability to access information and utilize their right to know with ease and efficiency. Congress recognized, in passing EPOIA, that technology has great power to "foster democracy by ensuring public access to agency information." The amendments expanded the information actually—not just legally—available by making frequently requested records more readily available "through computer telecommunications." Exempting specific information from the FOIA, or any effort to set medium-based limits on the release of government information to the public, has an impact on the public's right to access information.

We urge you not to put forward such proposals or, at the very least, to help ensure that there is a full hearing with input from all of the affected communities including public interest groups, journalists and other frequent FOIA requesters.

Sincerely,

AMERICAN ASSOCIATION OF LAW LIBRARIES.
AMERICAN CIVIL LIBERTIES UNION.
ASSOCIATION OF NEWSPAPER EDITORS.
CENTER FOR DEMOCRACY AND TECHNOLOGY.
ELECTRONIC FRONTIER FOUNDATION.
OMB WATCH.

cc: Chairman Steve Horn, House Subcommittee on Government Management, Information and Technology; Representative Robert Goodlatte, Internet Caucus Co-Chair; Representative Rick Boucher, Internet Caucus Co-Chair; Senator Conrad Burns, Internet Caucus Co-Chair; Senator Patrick Leahy, Internet Caucus Co-Chair; Representative W.J. "Billy" Tauzin; Representative Michael G. Oxley; Representative Michael Bilirakis; Representative Joe Barton; Representative Fred Upton; Representative Cliff Stearns; Representative Paul E. Gillmor; Representative James C. Greenwood; Representative Christopher Cox; Representative Nathan Deal; Representative Steve Largent; Representative Richard Burr; Representative Brian P. Bilbray; Representative Ed Whitfield; Representative Greg Ganske; Representative Charlie Norwood; Representative Tom Coburn; Representative Rick Lazio; Representative Barbara Cubin; Representative James E. Rogan; Representative John Shimkus; Representative Heather Wilson; Representative John B. Shadegg; Representative Charles W. "Chip" Pickering; Representative Vito Fossella; Representative Roy Blunt; Representative Ed Bryant; Representative Robert L. Ehrlich, Jr.; Representative John D. Dingell; Representative Henry A. Waxman; Representative Edward J. Markey; Representative Ralph M. Hall; Representative Edolphus Towns; Representative Frank Pallone, Jr.; Representative Sherrod Brown; Representative Bart Gordon; Representative Peter Deutsch; Representative Bobby L. Rush; Representative Anna G. Eshoo; Representative Ron Klink; Representative Bart Stupak; Representative Eliot L. Engel; Representative Thomas C. Sawyer; Representative Albert R. Wynn; Representative Gene Green; Representative Karen McCarthy; Representative Ted Strickland; Representative Diana DeGette; Representative Thomas M. Barrett; Representative Bill Luther; and Representative Lois Capps

Mr. BILIRAKIS. The Chair now will yield to Mr. Upton for——

Mr. STUPAK. Mr. Chairman?

Mr. BILIRAKIS. I will yield to Mr. Upton, and then I am sure he will yield to you, Bart.

Mr. UPTON. And I just might say, Chairman Bilirakis and I had a deal that I was going to race back and make the vote and come back so the hearing could prevail, continue without any stoppage, and I did my end of the bargain, Mike. I made it back and forth to the floor, and then I found out that you had to adjourn anyway.

Mr. Stupak.

Mr. BILIRAKIS. Good exercise.

Mr. STUPAK. Mr. Chairman, I want to raise a point, a parliamentary inquiry, if I may.

Under rule 11(G)(4), which requires all non-governmental witnesses to submit a resume and disclosure of the companies' contracts—I believe Mr. Blitzer works for SAIC and is identified as

working for SAIC. I have an entry form of SAIC's web page which indicates that it has Government contracts, and a number of them are described on the web page. On his disclosure form, he answers the answer about grants and contracts as, "don't know," and I am sure that he probably is not aware of some of them.

But my question is: Is this proper compliance with the rule? Because it is, obviously, if you go to the web page, SAIC does have a financial interest in the subject matter before this hearing. So, I raise that as a point of order, and ask if it is a proper compliance with the rule 11(G)4?

Mr. UPTON. First of all, I thank the gentleman for his inquiry, and I also thank him for the "heads up" that he was going to raise this so we could be prepared. And I share his concern, that the committee conduct its proceedings in compliance with the applicable rules of the House. And, as I understand it—and I will ask the witness to address this prior to his testimony—Mr. Blitzer is here to testify in his individual capacity and not as a representative of any organization and association. And, therefore, so long as he, himself, has not received any Federal grants or contracts as an individual during the current fiscal year, or any of the preceding 2 fiscal years, he has nothing to disclose in terms of truth in his testimony.

I appreciate the inquire from my friend from Michigan.

Mr. BROWN. Mr. Chairman.

Mr. UPTON. The gentleman from Ohio.

Mr. BROWN. I would just like to add that I hope that in the next—in the ensuing 24 months and this 23 months that this committee meets, that we will follow the same standards and be consistent.

I remember with some regularity over the last couple of years or less—4 years, really—we have seen not always evenly applied standards on this issue. And your side has typically brought this issue up, and I just hope that we can work this out. And Mr. Bilirakis has always been very fair about things, and I hope we can continue that.

Mr. UPTON. I wish to assure the gentleman from Ohio and Michigan that we intend to be consistent, absolutely consistent with that policy, and look forward to working together on this.

Mr. STUPAK. Mr. Chairman, just so the record is clear, I raise it because I believe—and I am happy to submit the web page to the record if you would like, but the SAIC had a contract to do part of the security study for the EPA, and that is what is being discussed here today, especially under Freedom of Information Act and rule 112(r). So, I believe there is a financial interest here. It is stated for the record, and I am satisfied with that, but I want it clear for the record.

Mr. UPTON. Thank you.

Mr. STUPAK. Thank you.

Mr. UPTON. Okay, at this point, we will move ahead.

We need a table back here.

Okay. Well, you are aware that this subcommittee, gentlemen—you are aware that this subcommittee is an investigative subcommittee and, as such, has had the long practice of taking testi-

mony under oath. Do you have any objection to testifying under oath? Any of you?

[Witnesses indicate no.]

Mr. UPTON. No? Then the Chair, then, advises each of you that, under the rules of the House and the rules of the committee, you are entitled to be advised by counsel. Do any of you desire to be advised by counsel during your testimony today?

[Witnesses indicate no.]

No? Let the record reflect that all said, "No."

In that case, if you would please rise and raise your right hand, I will swear you in.

[Witnesses sworn.]

Mr. UPTON. Each of you is now under oath, and you now give a 5-minute summary of your written statement. I would note, for the record, that your full statement will be printed in the record in its entirety, and if you would like to summarize that, that would be just fine.

And we will start with Mr. Burdick.

TESTIMONY OF BRETT A. BURDICK, ENVIRONMENTAL PROGRAMS MANAGER, DEPARTMENT OF EMERGENCY SERVICES, COMMONWEALTH OF VIRGINIA; TIMOTHY R. GABLEHOUSE, CHAIR, JEFFERSON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, AND MEMBER, CLEAN AIR ACT ADVISORY SUBCOMMITTEE ON ACCIDENT PREVENTION; E. JAMES MONIHAN, VOLUNTEER, LEWES FIRE DEPARTMENT, AND DELAWARE STATE DIRECTOR, NATIONAL VOLUNTEER FIRE COUNCIL; ROBERT M. BLITZER, ASSOCIATE DIRECTOR, CENTER FOR COUNTERTERRORISM TECHNOLOGY AND ANALYSIS, SCIENCE APPLICATIONS INTERNATIONAL CORPORATION, AND FORMER DIRECTOR, COUNTERTERRORISM PLANNING SECTION, NATIONAL SECURITY DIVISION, FEDERAL BUREAU OF INVESTIGATION; AND JOHN M. EVERSOLE, CHIEF FIRE OFFICER AND COMMANDER, HAZARDOUS MATERIALS DIVISION, CITY OF CHICAGO FIRE DEPARTMENT, AND CHAIRMAN, HAZARDOUS MATERIALS COMMITTEE, INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Mr. BURDICK. Thank you; good morning.

My name is Brett Burdick, and I work with the Virginia Department of Emergency Services.

Mr. UPTON. Speak a little bit more into the microphone so all can hear.

Mr. BURDICK. How is that? Thank you.

I work with the Virginia Department of Emergency Services, and, in that position, I am in the Hazardous Materials Program as the environmental programs manager. My background encompasses both regulatory work and public safety activities. I have worked in environmental regulatory programs as a first responder to oil and hazardous materials releases and emergency management and public safety programs, and currently involved in addressing consequences of the criminal use of hazardous materials throughout the commonwealth. My career experience really spans nearly all of the issues germane to the 112(r) discussion.

Let me begin by saying it is opinion that this is not a clear black and white, clear-cut issue. Important interests compete between free and open disclosure of information important to public safety and the need for securing that information which may be used by criminals and terrorists in the furtherance of their activities.

Paradoxically, the goal, both of securing and of disseminating this information, is exactly the same; that of promoting public safety. Whether by establishing barriers to free communication or by attempting to break these barriers down, we are all on the same side here, and I think that is important. In the final analysis, neither side is right or wrong. It is merely a question of how we want to steer this course to the common goal.

In any emergency response to hazardous materials emergencies, incident managers drilled in the concept of achieving desirable outcomes through balancing risks and benefits. And the best scenario is, of course, is one where a desirable outcome can be achieved by any low risk of high-benefit action. Usually, though, that is not the case. As a bottom line in guidance, accident managers need to seek promising courses of action with an acceptable level of risk relative to the benefit to be achieved. Balancing these risks and benefits is how hazardous materials managers do our job.

I talk about these procedures because I think it is useful to apply that sort of standard in this current issue. If we can identify the risks and benefits of a particular course of action, we can more objectively evaluate our decisions and create those desirable outcomes.

Posting "worst case scenario" information on the Internet does accomplish many commendable and desirable goals. It conforms to the concepts of Government in the sunshine and free access to information, both of which I believe in fully. It allows easy access to the information by any interested citizen who has access to a computer, and it may, in fact, increase awareness of the population at large to these conceivable, albeit unlikely "worst case scenarios" of chemical exposure.

There are some significant risks associated with that as well. While easily accessible to private citizens, it is equally available to those who may wish to use the information for criminal purposes. Some "worst case scenarios" are a virtual blueprint for assaulting the public safety. Information would be equally available anonymously to anyone from Dallas to Dahran, and, as Mr. Bliley said, "from Boston to Baghdad." And the packaging of this information on the Internet could allow almost effortless scrolling through "worst case scenarios" simply by zip code. Individual areas could conceivably be targets.

If we restrict posting the information on the Internet, we risk some level of failure to share public safety information. It is my opinion that this is not a decided infringement on legitimate public right to know. Alternatives still exist, for instance, Freedom of Information Act disclosures. While it is less convenient and more cumbersome than "surfing the Net," that sword cuts both ways. A FOIA request requires at least supplying a return address. The anonymity issue goes away under this system. That should not offend anyone legitimately seeking information and may dissuade a potential criminal from using that.

I do want to be absolutely clear; I don't argue that this information should not be developed under 112(r). I think it is important. And, I do not argue that it should not be shared with first responders and the public at large, merely, that reasonable and acceptable alternatives exist to dissemination on the Internet.

I have heard arguments that posting this information will result in significant benefit to hazardous materials response teams. I think that that is basically true; it is not exclusively true.

Most fire departments and teams already know the location of facilities that store and use these hazardous substances. Preplanning on the part of the departments takes this into consideration. Most hazardous materials responders, for instance, are fully aware that the rupture of a chlorine-containing railcar might, under extremely adverse respond conditions, yield to plume many miles, and perhaps tens of miles, downwind. That is something we know. I think that, while response organizations would undoubtedly benefit from being supplied with facility-specific information, it should not be on the Internet to be effective.

I think that the alternatives with FOIA are, in fact, proven and successful. And based on all of this, the risk benefit ratios, in my mind, I have come to the conclusion that, in fact, the Internet posting is not the proper course of action.

I thank you, sir.

[The prepared statement of Brett A. Burdick follows:]

PREPARED STATEMENT OF BRETT A. BURDICK, VIRGINIA DEPARTMENT OF EMERGENCY SERVICES

Good Morning. I am Brett Burdick with the Virginia Department of Emergency Services where I work as the Environmental Programs Manager in the Hazardous Materials Program. I appreciate the opportunity to provide you with my testimony on the issue of posting 112(r) "worst case scenario" information on the Internet.

My background encompasses both regulatory and public safety matters. I have worked in environmental regulatory programs, as a first responder to oil and hazardous materials releases, in emergency management and public safety programs, and I am currently involved in addressing the consequences of the use of hazardous materials in criminal acts. My career experience has spanned nearly all of the issues germane to the 112(r) debate.

Let me begin by stating that this is not in my opinion a clear-cut, black and white issue. Important interests compete between free and open disclosure of information important to public safety and the need for securing that information which may be used by criminals and terrorists in the furtherance of their activities. Paradoxically, the goal both of securing and of disseminating this information is the same—that of protecting public safety. Whether by establishing barriers to free communication or by attempting to break these barriers down, proponents on both side of the debate are climbing the same mountain. In the final analysis, neither side is right or wrong. It is merely a question of the proper course of action to accomplish this common goal.

In the emergency response to hazardous materials emergencies, incident managers are drilled in the concept of achieving desirable outcomes through balancing risks and benefits. The best scenario, of course, is one where a desirable outcome can be achieved by low risk, high benefit actions. It is common that site conditions make these decisions more difficult and we need to weigh carefully the risks we must take. As bottom-line guidance, incident managers must seek a promising course of action with an acceptable level of risk relative to the benefit achieved. Balancing risks and benefits is how hazardous materials managers make public safety decisions during emergencies.

I delve into this discussion of procedures because applying this risk-benefit analysis is, I think, useful in deciding the appropriate course of action in this matter. This particular risk-benefit model allows us to codify the arguments and proceed through them in a logical manner. If we can identify the risks and the benefits of

a particular course of action we can more objectively evaluate our decisions and create desirable outcomes.

Posting "worse case scenario" information on the Internet does accomplish many desirable goals. It conforms to the concepts of "government in the sunshine" and free access to information—both of which I believe in fully. It allows easy access to this information by any interested citizen who has access to a computer. It may increase the awareness of the population-at-large to conceivable—albeit unlikely—potential threats of chemical exposure.

Predictably, there are also some significant risks associated with free dissemination of this information. While easily accessible to private citizens, it is equally available to those who may wish to use the information for criminal purposes. Some "worst case scenarios" are a virtual blueprint for assaulting the public safety. The information would be equally available—anonymously—to anyone from Dallas to Dhahran, from Boston to Baghdad, and the packaging of the information could allow for almost effortless scrolling through "worst case" information sorted by zip code.

If we restrict posting of the information on the Internet we risk some level of failure to share public safety information. Fortunately, I believe, this is not a decided infringement on legitimate public right to know. Alternatives to information dissemination still exist—for example through Freedom of Information Act disclosures. While it is less convenient and more cumbersome than "surfing the net," that sword cuts both ways. In addition, a FOIA request requires, at least, supplying a return address. This should not offend anyone legitimately seeking information and may dissuade a potential criminal or terrorist from acquiring these scenarios.

Please let me be clear. I do not argue that this information should not be developed under 112(r) nor that it should not be shared with first responders and the public at large—merely that reasonable and acceptable alternatives exist to dissemination on the Internet. The benefits of inhibiting malicious use of this information are great.

I have heard arguments that the posting of this information will result in a significant benefit to hazardous materials response teams. I think that, in reality, only a limited amount is to be gained by hazardous materials response organizations. Most fire departments and Teams already know the location of facilities that store and use these hazardous substances. Preplanning on the part of response agencies should already have been performed, and these should include worst-case scenarios. Hazardous materials responders are fully aware that the rupture of a Chlorine-containing rail car might, under extremely adverse response conditions, yield a plume many miles, perhaps tens of miles, downwind. While response organizations would undoubtedly benefit from being supplied with facility-specific information it need not be via the Internet to be effective.

The information regarding those types of industries caught within the 112(r) net that are not required to report and plan under SARA—such as bulk Propane storage, facilities that use Ammonia as a refrigerant, and those water treatment facilities that use Chlorine as a disinfectant—is already well known and available to emergency responders. Arguably, some benefit may be gained from the existence of additional information gathered under 112(r), but, again, absolutely no public safety-first response benefit is gained by posting this information on the Internet.

I believe that there already exists a sound and proven system through which interested citizens of this nation can acquire this information. Those with an interest can assume the personal responsibility to educate themselves by requesting the information available to them through disclosure to federal, state, and local entities. There does not seem to be any compelling public safety reason to post these "worst case scenarios."

When I weigh the risks and benefits of these differing courses of action, I conclude that the posting of 112(r) "worst case scenario" information on the Internet falls into a high risk, low or moderate benefit category. As a result I have concluded that it would not be prudent to post this information. Others reviewing this same information may conclude differently, as is their right. Within the risk-benefit framework, however, there is compelling reason to avoid this course of action.

I appreciate the opportunity to have addressed this body. Thank you.

Mr. UPTON. Thank you very much.

Mr. Gablehouse.

TESTIMONY OF TIMOTHY R. GABLEHOUSE

Mr. GABLEHOUSE. Good morning, Mr. Chairman, members of the subcommittees. Thank you very much for this opportunity to testify.

I chair the Jefferson County Colorado Local Emergency Planning Committee. I think it is important for you to understand the realities that are faced in areas that are not highly organized, do not have large and sophisticated fire departments, do not have institutional emergency planning activities, and, in fact, do not have member companies from CMA and other highly responsible organizations.

Our reality is a lot different. The companies that we face on a day-to-day basis do not necessarily know how to conduct emergency management, don't know how to respond to accidents, don't always understand how to utilize the chemicals they have got. The fire departments that we have in our area are not large and sophisticated hazardous materials teams. They do not always understand what risks they are going into at a specific facility. They simply don't have that information.

Local emergency planning committees in my part of the world are organizations that are a function of the volunteer efforts of their members. The members are the people that are doing Internet searches for information. The members are the people that are driving around town trying to identify facilities that ought to be reporting under APRA, and potentially the 112(r) program. These are people that perform these efforts just like any other citizen of this country might perform these efforts.

I have supported putting this information on the Internet. I, as a member of the advisory subcommittee, paid a lot of attention to the debate we had. I am supportive of EPA's decision not to put the offsite consequence information on the Internet. That was a reasonable choice, given the decision before them.

I believe the Agency is doing a good job in consulting with the other agencies and coming up with administrative approaches to keep this information in a manageable way. But you need to understand that there are dramatic benefits to having this information available.

In my written testimony I have given you a couple of examples, but I think it suffices to say that we use this information and be willing to trust the companies in reporting facilities in our area, but we need to be able to verify the information simply because we recognize that they don't always understand what they are dealing with and the risks it presents.

Having access on that broad scale to information that is nationally based is important to our efforts at the local level.

Creditability in discussing risks with communities is essential. It is a waste of my time and the fire department's time and other people's time if what we are doing is fighting about accident scenarios and whether or not they are good, bad, big enough, small enough, or whatever. We have here the opportunity to create a national database that puts to rest a lot of those issues.

What we face now, and what we will face undoubtedly in the future, is debate, guesswork, inflammatory statements, all by people who will put their information on the Internet, undoubtedly. That conversation and that debate does not promote risk reduction in the community. It does not promote the capability of the local responders to plan for a terrorist incident or chemical fire. We face these chemical incidents on a daily basis. They routinely injure

first responders. They routinely cause property damage and economic losses. That happens all the time.

Access to information that allows a community to better prepare, that allows a community to verify the information they are obtaining from other sources, by comparison to other companies in other parts of the country and to other response planning efforts in other parts of the country, are critical to the credibility we need to support this effort in our community.

Thank you, Mr. Chairman.

[The prepared statement of Timothy R. Gablehouse follows:]

PREPARED STATEMENT OF TIMOTHY R. GABLEHOUSE, CHAIR, JEFFERSON COUNTY COLORADO LOCAL EMERGENCY PLANNING COMMITTEE AND MEMBER, COLORADO EMERGENCY PLANNING COMMISSION

Mr. Chairman and members of the subcommittees, I very much appreciate this opportunity to testify regarding the interrelated issues of emergency planning, emergency response and the public's access to information. Regardless of whether the question is terrorism or hazardous materials accidents, the burden and responsibility of preparedness and the initial ″first″ response is on the men and women who live in the communities of this nation. My comments today will focus on the needs and concerns of these people.

I come from a state that will not seek delegation of the Clean Air Act section 112r program. As with the Emergency Planning and Community Right-to-Know Act, this means that the burden and responsibility of understanding these programs falls to the people at the local level. It is at this local level that Local Emergency Planning Committees operate. I have been a member of the Jefferson County Committee since it was formed in 1987 and have been its chair for almost four years.

In Colorado along with much of the nation the people that perform these functions are volunteers. Whether they are interested citizens, members of volunteer fire departments, or representatives of local businesses, these people are not compensated to perform these functions.

Today there will be testimony from representatives of the Chemical Manufacturers Association and fire departments from large communities. This is not our reality in Colorado and the mountain West. If emergency preparedness was always conducted in conjunction with highly responsible, experienced and responsible companies, and by well-trained and equipped emergency response organizations, we would not face the debate currently before us on whether or not the public at-large deserves access to accident risk, prevention and response information.

Our reality is companies large and small that do not understand or practice appropriate safety measures. Our reality is volunteer fire departments without the specialized equipment or training to safely respond even to structure fires and much less hazardous materials incidents. Our reality is local governments not having the sort of information they need for land use planning decisions that reduce the risk of injury and property damage resulting from chemical accidents.

We can only learn and improve by looking outside our community. It is important to understand the techniques used by other communities and businesses similar to ours. It is important to understand what risks have been identified and described in other communities. It is important to understand the prevention and emergency response programs practiced by businesses similar to ones in our community.

We use this information not only as an aid in planning and preparedness. We use this information to aid local businesses in complying with regulatory programs. We use it to aid local governments in land use planning and zoning decisions. We use it to inform the public about risks in the community and the roles they can play in reducing risks.

Recently all of this information came into play in the debate surrounding the siting of a new school in Congressman Udall's district. Not far from the proposed location is an industrial area. This industrial area is not within any city, nor is it within the boundaries of any fire district.

The Local Emergency Planning Committee had to file suit against one of the businesses in this area in order to enforce its requests for information. The information was finally supplied, but that is not the end of the story. The business was not sophisticated in preventing accidents nor in emergency response procedures. They could not provide us with descriptions of the risks they presented to the community. They could not even provide adequate information or training to their employees.

The LEPC used the Internet, as we frequently do, to educate ourselves about the risks presented by the chemicals at this business. We educated ourselves about the possible accident scenarios this business presented and the implications of these risks to the proposed school. Without government information from the Internet this task would have been difficult if not impossible.

Many of the people providing testimony today seem to believe that there is no legitimate reason for members of the public to know about the accidents scenarios,prevention plans and emergency response procedures practiced in the rest of the country or even the next county. In my part of the country it is the public that is performing the function of accident preparedness and prevention. It is the public that are members of volunteer fire departments and local emergency planning committees. There is no valid distinction between members of the public at large and the people that perform these functions.

Let me turn now to Section 112r of the Clean Air Act. While I do not want to minimize the terrible consequences of a terrorist incident, I do not believe the risk that Section 112r information will be useful to a terrorist is significant. On the other hand,we face an actual and much greater risk from chemical accidents. The very real potential for such incidents is a daily proposition.

I serve on the EPA advisory subcommittee that considered these issues. I listened and studied the statements of the security experts that testified before that group. I have listened to the statements of the industry members concerned with this issue. I applied my own experience in the fields of emergency response and law enforcement.

The fundamental truth, that is sometimes lost in this debate, is that facilities are responsible for their own security and accident prevention. The study I have conducted of this issue leads me to the conclusion that there is nothing in the 112r program and potential posting of information on the Internet that interferes with a facility's ability to perform these functions. The information submitted under the 112r program does not describe how to cause a chemical accident. The information does not describe the security systems that facilities have in place.

On the other hand these same facilities expect responders to come when they have accidents. They expect the community to understand and appreciate their accident prevention efforts. They expect the community to tolerate whatever risk of a chemical accident the facility presents in return for the benefits that facility provides to the community. They expect the public to participate in emergency response and absorb the institutional costs of this response.

Credibility is necessary to satisfying these expectations. Without credibility all that happens is the never ending debate of whether or not a company is too risky or inappropriate for the community. This lack of credibility leads to the breakdown of neighborhoods and the inability of a community to cooperate to better its situation. Representative DeGette and I suspect all of the members of the Subcommittees have been witness to the sort of community fights over the siting or expansion of an industrial facility that comes from a lack of trust and a failure of credibility.

EPA has decided not to post the off-site consequence information on the Internet. The LEPC is prepared to live with that decision only because the full information will still be available at the state and local level. Even so, what will happen is that any number of people will fill the vacuum created by EPA's action by posting their own educated speculations or inflammatory guesses on the Internet. Instead of focusing on accident prevention and response the LEPC will be drug into the process of correcting misinformation.

I believe that EPA has and will continue to reach reasonable compromise positions on the question of public access to information under the section 112r program. It is important to recognize that this information is useful to the public and is important to the reduction of accidents. The information is desired and any vacuum will be filled. I believe that it is more dangerous to promote misinformation than it is to take the risk that someone will misuse accurate information.

Mr. UPTON. Thank you very much.

Mr. Monihan.

TESTIMONY OF E. JAMES MONIHAN

Mr. MONIHAN. Good afternoon, Mr. Chairman, members of the subcommittees.

I am E. James Monihan, former chairman and director, from Delaware, the National Volunteer Fire Council, and I appreciate this opportunity to give this testimony.

The National Volunteer Fire Council provides a voice for the volunteer fire service, which is made up of 28,000 departments across the country, staffed by over 800,000 men and women. We are the first responders, the frontline if you will, in an emergency in our community, anything from a dog falling through the ice who is drowning, through fires, auto accidents, hazardous materials, chemical, and biological incidents, both accidental and intentional. It is these people who must stand alone until the sophisticated systems kick in and help arrives in our communities.

To us, the information under consideration is vital; however, our concern is the breadth of its distribution, beyond those involved in the community. We were most alarmed when we learned that the amendments in the Clean Air Act directed the EPA to release detailed data on all these sites; however, we are very gratified that the EPA has been very responsive to our concerns.

Our concern is that, while we need to have information available to protect our communities and ourselves, that same information should not be used against the Nation and the very persons it is intended to protect.

Since the amendments do not specify how this information should be made available, we urge the method to disseminate the data be carefully crafted to strike the proper balance between the public's right to know and the need to maintain a safe environment in our communities and reduce the probability of attack using this information as a catalyst.

Our suggestion is that a mechanism be developed to allow the release of information from the risk management plans on a single site, accessible only to the citizens of the community and the organizations necessary.

We are concerned that some individuals have expressed the desire to obtain the information through Freedom of Information, then, publish it on their own websites. We feel this is unnecessary. It is wrong; it is dangerous, because we see no reason to give terrorists a guide or, if you will, a "Home Shopping Network" to the most hazardous sites in the country.

As several members have already mentioned, we do have, as reflected in my written testimony, a complex in the State of Delaware. This situation, however, is replicated across the country. The point is that these sites exist, and to give a detailed blueprint, to lead all the world to them, along with consequences of each, is just not necessary.

In the middle of the—I'm sorry. Now if you understand the information—as the title of this hearing says—is offsite consequence analysis or "worst case scenarios," can you imagine what a person shopping the Internet with terroristic or other damaging intents would think when they came across this detailed information on all these sites. I don't think I need to elaborate further on this matter. Quite frankly, in my 42 years in the fire service, I have been involved in explosions, shot at, fallen through floors, and so forth, but to contemplate this is quite scary.

Ladies and gentlemen, National Volunteer Fire Council has always been an advocate in the patient's right to know about hazards in this community. In fact, we use this information ourselves, as I said in the beginning. The community is much safer if the citi-

zens are cognoscente of the risks surrounding them. In this situation, however, we see no reason to jeopardize the safety of the public and our personnel when there are perfectly reasonable alternatives available.

Allowing access to the information in question on a single-site basis only ensures that the information is available to those who need it, while still maintaining the integrity of our national security.

And it has been mentioned here earlier—and some people don't see it that way, but it is a fact—we need only look to the World Trade Center and Oklahoma City bombings to see the mindset about which we are concerned. We can't afford to approach this by trial and error, to wait and see what happens.

The National Volunteer Fire Council looks forward to working with these committees and the EPA, as well as other concerned groups, to develop a safe, secure mechanism that will protect everyone involved.

Thank you for the opportunity to testify.

[The prepared statement of E. James Monihan follows:]

PREPARED STATEMENT OF E. JAMES MONIHAN, NATIONAL VOLUNTEER FIRE COUNCIL DIRECTOR, STATE OF DELAWARE

Mr. Chairman and members of the committee, my name is James Monihan. I am the Delaware Director to the National Volunteer Fire Council (NVFC) and firefighter in the Lewes Fire Department in Lewes, Delaware. I have served as a volunteer firefighter for 42 years and have had experience in all phases of the life of a first responder, including chemical and hazardous materials incidents. On behalf of the volunteer fire service, I appreciate the opportunity to present you with the NVFC's concerns and suggestions regarding the dissemination of chemical site Risk Management Plans (RMP) data. The NVFC works to guarantee the safety of volunteer firefighters and the communities they protect and we want to ensure that this data is distributed in a safe and secure manner.

The NVFC represents the interests of the nation's more than 800,000 volunteer firefighters, who staff America's 28,000 volunteer fire departments. These volunteers represent the first response to many hazardous materials, biological, and chemical incidents, at which they must stand alone until help arrives.

When the NVFC learned that the Environmental Protection Agency (EPA) was directed by amendments to the Clean Air Act to collect RMP's from approximately 66,000 chemical facilities across the U.S., we supported the initiative. These RMP's contain data about potential chemical release incidents and a given site's disaster recovery plans. We believe that it is important for communities and public safety officers to have access to this data so as to better protect themselves. However, we are alarmed that certain parts of the RMP data may be used against the United States and in turn harm volunteer firefighters and the communities they protect.

Contained in the RMP data is information called "Offsite Consequence Analyses" (OCA). The OCAs, also known as "worst-case scenarios", reveal the worst possible environmental and explosive consequences of releasing a particular site's chemicals. Additionally, the OCAs provide an estimate of the damage, injuries, and deaths that could result from an accident involving these chemicals. Finally, the OCAs detail how the release of these chemicals can be triggered. The NVFC is very concerned that this data, if easily accessible, could be used by persons acting against the United States.

The Clean Air Act amendments state that the RMP data be "available to the public", the Chemical Safety and Hazard Investigation Board, and to state and local agencies. The amendments do not specify how this information is disseminated. Originally, the Environmental Protection Agency planned to release all of the RMP data, including the OCAs, on an Internet site. A study by Aegis Research Corporation for the Chemical Manufacturers Association stated that placing the OCA data on the Internet would increase the risk of a terrorist attack on a facility by sevenfold, which in turn increases the risk to first responders and the communities they protect. However, we have since learned that the EPA, acting on the advice of the FBI, CIA, and other concerned groups, has decided not to release the OCA portion

of the RMP data on the Internet. The NVFC applauds the EPA for this decision. This is an important step in ensuring that firefighters and citizens not be subjected to an unnecessarily dangerous situation.

Unfortunately, the safety of first responders and their communities is not yet assured. The NVFC is concerned that some private organizations may obtain all of the RMP data by filing a Freedom of Information Act request, and then post the RMP data, including the OCAs, on their own Internet sites. The NVFC is vehemently opposed to this. Allowing access to this information to anyone with a computer and a phone line is exceedingly dangerous. We believe that this information and its release to the public must be carefully controlled in order to ensure that the risks associated with these chemical sites are not multiplied.

The NVFC believes that the public has a right to obtain the information about chemical sites within their communities. We believe that educating the public about chemical risks is an important aspect of accident prevention. However, we think that there are methods to disseminate the RMP data that will strike the proper balance between the public's right to know and the need to maintain a safe environment for first responders and their communities. We recommend that a mechanism be developed to allow the release of RMP data on a single-site only basis. This will permit public safety departments and citizens to access the RMP data on chemical sites within their community while still maintaining control over the distribution of the information. We see no reason to give terrorists a guided map to these potentially dangerous sites.

Mr. Chairman, this situation is terrifying to me not only as a firefighter, but as an ordinary citizen as well. In Delaware City, which is located on the outskirts of Wilmington, there is an arrangement of industrial sites that is a potential terrorists dream. This major cluster of industrial structures, which is protected solely by volunteers, includes several chemical plants, an oil refinery, and an electrical generator. These sites, separated only by metal fences, are located on a railroad line. Additionally, these sites are located a quarter mile from the Chesapeake and Delaware Canal, which carries shipping between Baltimore and Philadelphia, two major metropolitan areas. If a terrorist were able to use a computer to search for potential disaster sites, Delaware City would show up as one of his best options. The release of these chemicals, coupled with the potential destruction of the oil refinery, would not only affect Wilmington's citizens, but also the entire region. The close proximity of these industrial sites would allow for an attack of massive proportions. The RMP data, in its entirety, would provide a terrorist with all the information needed to calculate the potential environmental and human casualties. Situations like that of Delaware City are located all over the country. Why would we make this information so easily accessible to someone who wants to harm our country?

The NVFC has always been an advocate of the public's right to know about hazards in their communities. A community is much safer if its citizens are cognizant of the risks surrounding them. In this situation, we see no reason to jeopardize the safety of firefighters and citizens when there are perfectly reasonable alternatives available. Allowing access to the OCAs on a single-site basis only ensures that the information is available to those who need it while still maintaining the integrity of our national security. We look forward to working with the committee, the EPA, and other concerned groups to develop a safe, secure mechanism that will protect everyone involved. Thank you.

Mr. UPTON. Thank you very much.

Mr. Blitzer.

TESTIMONY OF ROBERT M. BLITZER

Mr. BLITZER. Good afternoon, Mr. Chairman, members of the committee.

I am pleased to have this opportunity to discuss the electronic dissemination of chemical "worst case scenarios" by the EPA.

Just as a point for the record, I am not here representing SAIC. I am here because of my past career with the FBI, and my remarks really focus on my experiences there.

From January 1996, until I retired from the FBI at the end of November, I served as Chief of the Domestic Terrorism/Counterterrorism Planning Section of the National Security. In this capacity, I was responsible for national oversight and management

of several important programs to include Domestic Terrorism Operations—that is cases—Weapons of Mass Destruction Operations—again, case, oversight—Weapons of Mass Destruction Domestic Preparedness, Special Events Management, and Civil Aviation Security.

I would just note to you, prior to that position, I held several management positions in the international terrorism arena. I helped manage the cases relating to PanAm 103, the World Trade Center, the threat to bomb the tunnels in New York, the threat to blow up airplanes over the Philippines in 1995, and, of course, last but certainly not least, the Oklahoma City bombing.

In December 1997, the FBI became aware, through the Chemical Emergency Preparedness and Prevention Office of the EPA, that section 112(r) of the Clean Air Act of 1990 required the publishing of regulations focusing on the prevention for chemical accidents. In an effort to comply with these regulations, the EPA proposed to distribute risk management plans via the Internet and CD-ROM. These plans would include for each facility a number of things, including offsite consequence analysis.

A number of meetings with representatives of the law enforcement and intelligence communities were held during 1997 and 1998 to discuss security concerns relating to the making available of all RMP data relating to the approximately 66,000 chemical sites within the United States. The proposed EPA electronic distribution plans were discussed with these agencies at great length.

Of greatest concern to the law enforcement and intelligence communities, was the possible Internet dissemination of "worst case" and alternate "worst case scenarios," as set forth in the OCA. Using the Internet, a terrorist, a criminal, or others could identify these scenarios and fine tune an attack by selecting "worst case scenarios" at facilities that were within or adjacent to large civilian or military communities.

I must tell you, on a sidebar, the lack of intelligence on a target doesn't mean it is not being targeted. In each of the cases that I described to you that I helped manage over the years, there was little or no intelligence. There was no precursor information, indicating that a domestic or international terrorist group was going to hit the World Trade Center, for example, or, certainly, Oklahoma City. I think that is an important point.

At the time we arrested the mastermind of the World Trade Center case, Ramseh Yousef, he had in his possession a computer. He was using a computer to plan the attack on the aircraft.

I think that is an important point for all of you to consider, because we saw more and more, over the past couple of years, an increased use of computer technology by both domestic and international terrorists. They are well-aware of how to use computers; some of them are really experts. So, this was part of our thinking at the time.

Based on our meetings, a number of interagency recommendations were developed and were provided to EPA in a letter dated October 30, 1998. The letter recorded interagency agreement that OCA data not be included in RMP information distributed via the Internet. Other data elements would be accessible to the public on the Internet, and EPA agreed to work with stakeholder groups to

identify meaningful approaches to make appropriate OCA information available to the local community.

To ensure that State and local government agencies have access to all national RMP data, it was recommended that the EPA use a "closed" system, restricted to State and local government agencies. This system should use secure password protection and encryption technology.

Mr. Chairman, both the Department of Justice and the EPA Legal Counsel advised the FBI—this was in the past—that current Freedom of Information Act requires that EPA provide the complete RMP information including the "worst case scenarios" to a requestor. This is a potential problem for you to consider. If this information is obtained and posted on private Internet sites, the responsible steps taken by the FBI, EPA, and its interagency partners would be negated.

The FBI and its interagency partners worked hard to strike a reasoned balance to ensure public dissemination of important information. I believe that the actions taken to prevent the widespread Internet dissemination of "worst case" sensitive chemical facility information was both prudent and necessary.

This concludes my remarks.

[The prepared statement of Robert M. Blitzer follows:]

PREPARED STATEMENT OF ROBERT M. BLITZER, ASSOCIATE DIRECTOR, CENTER FOR COUNTERTERRORISM TECHNOLOGY & ANALYSIS, SCIENCE APPLICATIONS INTERNATIONAL CORPORATION

Good morning, Mr. Chairman and members of the Committee. I am pleased to have this opportunity to discuss the electronic dissemination of chemical "worst case" scenarios by the Environmental Protection Agency (EPA).

From January 1996 until I retired from the Federal Bureau of Investigation (FBI) at the end of November 1998, I served as Chief of the Domestic Terrorism/Counterterrorism Planning Section of the National Security Division. In this capacity I was responsible for national oversight and management of several important programs to include Domestic Terrorism Operations, Weapons of Mass Destruction (WMD) Operations, WMD Domestic Preparedness, Special Events Management, and Civil Aviation Security.

In December 1997 the FBI became aware, through the Chemical Emergency Preparedness and Prevention Office of the EPA, that Section 112®of the "Clean Air Act of 1990" required the publishing of regulations focusing on the prevention of chemical accidents. In an effort to comply with these regulations the EPA proposed to distribute Risk Management Plans (RMP) via the Internet and CD-ROM. These plans would include for each facility a history of accidental releases, an off-site consequence analysis (OCA); a prevention program inclusive of company operating procedures, employee training, hazard evaluation and emergency response programs to ensure that either facility employees or public responders were prepared to deal with any accidents that might occur and thus minimize the consequences.

A number of meetings with representatives of the law enforcement and intelligence communities were held during 1997 and 1998 to discuss "security concerns" relating to the making available of all RMP data relating to the approximately 66,000 chemical sites within the United States. The proposed EPA electronic distribution plans were discussed with these agencies. The plans would allow users to initiate Internet searches by facility name, area of the country, zipcode, city, county, and state. A modified search by chemical type would allow a person using the EPA web site, to choose a portion of a city by zipcode and tailor an attack by searching for certain chemicals. A search of this nature could be accomplished from anywhere in the world. Additionally, no record of such a query would be made. Further searches could be tailored to developing information regarding chemical companies" mitigation and safeguarding capabilities.

Of greatest concern to law enforcement was the possible Internet dissemination of Worst Case and Alternate Worst Case Scenarios as set forth in the OCA. Using the Internet a terrorist, criminal or disgruntled employee could identify these sce-

narios and fine tune an attack by selecting "worst case scenarios" at facilities that were within or adjacent to large civilian or military communities.

Based upon the above meetings a number of interagency recommendations were developed and provided to EPA in a letter dated October 30, 1998. The letter recorded interagency agreement that OCA data not be included in RMP information distributed via the Internet. Other data elements would be accessible to the public on the Internet. EPA agreed to work with stakeholder groups to identify meaningful approaches to make appropriate OCA information available to the local community. To ensure that State and local government agencies have access to all national RMP data it was recommended that EPA use a "closed system" restricted to state and local government agencies. This system should use secure password protection and encryption technology.

It was believed that the creation of a CD-ROM encompassing EPA's RMP database could be accomplished. However, the FBI recommended that EPA not include facility identification and contact information on the CD-ROM. This allows legitimate information retrieval for analysis, however removes the ability of criminals and terrorists to use this information for targeting purposes.

Mr. Chairman, both the Department of Justice, and the EPA Legal Counsel advised the FBI that the current Freedom of Information Act requires that EPA provide the complete RMP information including the worst case scenarios to a requestor. This is a potential problem. If this information is obtained and posted on private Internet sites the responsible steps taken by the FBI, EPA and its interagency partners would be negated. This is a pressing concern that I hope you can address in an expeditious fashion.

The FBI and its interagency partners have worked hard to strike a reasoned balance to insure public dissemination of important information. Just last week Attorney General Janet Reno and FBI Director Louis Freeh appeared before the United States Senate Subcommittee for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies of the Committee on Appropriations. Director Freeh gave an excellent overview of both the International and Domestic terrorism threats we face at the present time and into the future. He also spoke about a number of high profile investigations that have occurred in the last several months. One key point that the Director made was that—Terrorists, both abroad and at home, are using technology to protect their operations from being discovered and thwart the efforts of law enforcement to detect, prevent, and investigate such acts." Computer technology is and will be a terrorist tool. I believe that the actions taken to prevent the widespread Internet dissemination of "worst case" sensitive chemical facility information was both prudent and necessary.

This concludes my remarks. Thank you.

Mr. UPTON. Thank you, Mr. Blitzer.

Chief Eversole—and you might move the microphone closer as well. That would be terrific.

TESTIMONY OF JOHN M. EVERSOLE

Mr. EVERSOLE. Good afternoon, Mr. Chairman, members of the committee, ladies and gentlemen.

My name is John Eversole, and I am the commander of the Hazardous Materials Unit to the Chicago Fire Department. I am also the chairman for the International Fire Chiefs Hazardous Material Committee.

And, I thank you for the time to allow me to come today to summarize the statement that we have put into your record.

Let me assure you that I have both a personal and a professional reason to care about this. We are very concerned and have been very outspoken about the indiscriminate dissemination of some very technical kinds of information that may hurt our community. We believe in community right-to-know, but I think that something has really been missed here.

The EPA designed and implemented what is called "local emergency planning committees." And they were to be in the communities and to plan for their community how to best handle emer-

gency situations. And we think that that committee should be used as a fulcrum for a balance between a community's right-to-know and community's right for security and safety in that community.

We think that sometimes just giving that information out to everyone serves of no useful value. Certainly, we wouldn't want to give the combinations to every bank out on the Internet because I'd like to know. I don't think we have to consider that we are The Enquirer and "enquiring minds want to know." This is information that should be used to protect the very communities in which the risks are.

I think it is important that we understand those things. I think it is important that you understand that as, today, representing the International Fire Chiefs, that we agree with the FBI's concerns and the concerns of other policing agencies about a potential terrorist threat.

I know that in my community our incidents of bombings are up. And when you see some of the people that are doing bombings, it is very interesting.

We have a valedictorian from a high school who decides to impress his girlfriend. And, on the Net, he finds out how to make these little bombs. So, he is just one step smarter, and he figures how to etch the boxes with "X's" and "O's." So, he sets these boxes up on the front lawn of her home, and he blows this thing up, and it really doesn't destroy anything, but now there are "X's" and "O's" all across her lawn. She was very impressed, we understand, but her parents were not, and neither were the local police.

I think that there is sometimes that information is put out that maybe the whole world doesn't have a right to know.

Let us take this information which is very good. We applaud the EPA for having gathered this type of information for us so that we can better plan in our communities. I sit there not only as the chief of Hazardous Materials, I sit on the LEPC. This information will help us to better protect our community, but it should not be given out in indiscriminately because that can only hurt us.

We are not exactly sure how to handle this. I would be the last one to try to decide how to handle the Internet. I am not sure anybody knows how to handle the Internet—and, soon, probably, the Internet will handle us—but we need to take common sense here and to allow local communities to use their local emergency planning committees as that fulcrum to balance between right-to-know and need for security of their community.

We thank you very much for your time and trouble. You can read all the big, hard facts in our statement, but those are the facts that we wanted to get to you today—the important thing.

I would be happy to answer any questions that you may have. Thank you very much.

[The prepared statement of John M. Eversole follows:]

PREPARED STATEMENT OF CHIEF JOHN M. EVERSOLE ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Chairmen, members of the subcommittees, I am John Eversole. I am a Chief Fire Officer employed by the Chicago Fire Department. I am the Commander of Chicago's Hazardous Materials Division and the Fire Department's representative on the City of Chicago Local Emergency Planning Committee.

I am present today on behalf of the International Association of Fire Chiefs as its Chairman of the Hazardous Materials Committee. The International Association of Fire Chiefs (IAFC) is a professional association founded over 125 years ago to provide chief fire officers and managers of emergency service organizations throughout the international community with information, education, services and representation in the effort to protect citizens from the devastation of fire and other emergencies.

We very much appreciate the opportunity to appear before you today. The issue of today's hearing is of vital importance to America's fire and emergency services. We are the first responders to fires, medical emergencies, hazardous materials incidents, technical rescues as well as natural disasters and those caused by terrorists. The question before the panel today is: Does posting chemical "worst case" scenarios on the internet create a roadmap for terrorists? We believe it does.

The Clean Air Act requires the Environmental Protection Agency (EPA) to implement a program to assist in the prevention of chemical accidents. This is good law. EPA responded to this statute by publishing its Risk Management Program rule in June 1996. That rule requires some 66,000 facilities that store and use chemicals to develop a Risk Management Plan (RMP) and file it with the EPA. Part of the RMP is an Offsite Consequence Analysis (OCA) which includes worst case data elements—or "worst case" scenarios. These worst case scenarios (WCS) contain detailed information about the chemicals stored at the facility. They provide estimates of injury and loss of life. They reflect the damage to structures and the environment that can be anticipated. They are a blueprint to what a disaster would look like.

The Clean Air Act further requires EPA to make this information available to the public. Last year, we learned that EPA proposed to make this information, including worst case scenarios, available to the public on the internet. At that point the IAFC wrote a letter to EPA Administrator Carol Browner. We expressed our concern, shared by law enforcement and national security agencies, that making worst case scenarios available on the internet will increase the risk of terrorist attacks. In our letter of August 5th we stated:

"The IAFC cannot condone placing this highly detailed information on the Internet. Foreign and domestic terrorists will have easy access to it. Your agency's own security consultants have pointed out that placing this information on the Internet will increase the risk of terrorist attack. Our concerns go beyond the fact that by placing this information on the Internet the federal government may be unwittingly aiding and abetting terrorists in planning and carrying out attacks against Americans. Our concerns for the EPA's plan are magnified by the fact that firefighters are the first responders to incidents of terrorism. EPA's plan significantly increases the already substantial risks firefighters face each and every day."

The IAFC and the American fire service were relieved late last year to learn that the EPA had reconsidered its plan and agreed not to distribute to the public offsite consequence analysis data elements on the internet. This was a very responsible action by that agency and one greatly appreciated by fire and emergency services. Now, a second and equally important issue arises. It is still possible for private citizens and organization to obtain the worst case scenarios from EPA through Freedom of Information Act (FOIA) requests. These persons could then put all of the worst case scenarios on the internet. Our concern now is that even though the EPA has acted *not* to put worst case scenarios on the internet, others are likely to do so.

Detailed worst case scenario information is vital to local governments for emergency planning purposes. However, the Federal Bureau of Investigation and other agencies concerned with national security have expressed concerns that this information could be used as a "targeting tool" by terrorist organizations or miscreants acting alone. We concur that it is susceptible to misuse.

It is our understanding that a FOIA request would require EPA to turn over the entire database in its existing format, be it a computer database or on paper. We are concerned that EPA's decision to forgo internet publication could be circumvented by others through a FOIA request.

Given the importance of this information to local authorities and yet our concern for its misuse, we would support Congressional action that would allow EPA to grant requests for information on a restricted basis. This would allow local emergency planners, fire and emergency services professionals and citizens within a given community to obtain this important information without creating a one-stop "targeting tool." It is important that any amendment be tailored to meet this specific situation and not grant blanket exceptions to a citizen's "right-to-know."

In conclusion, I would like to restate the key points I have made today.

1. The Offsite Consequence Analysis—or "worst case" scenario—is very valuable information for fire and emergency service responders. It is vital for our planning purposes.

2. The FBI has clearly stated that it believes the OCA data of the Risk Management Plans when, placed on the internet, would provide a targeting tool for persons or groups planning criminal or terrorist acts.

3. We request that Congress review the current situation and act to ensure that community "right-to-know" is maintained in a manner consistent with appropriate security measures.

Thank you for allowing the International Association of Fire Chiefs to explain its concerns to you today. I will be available to respond to any questions you may have.

Mr. UPTON. Well, let me just say that, as chairman of this subcommittee, I appreciate my first panel living up to the rules of our committee by submitting your testimony in advance. Not all the panels have done that today, but at least the very first panel has. And I know that I and other members of this subcommittee appreciated receiving that, as I read through all of your testimony last night and prepared some questions.

My intention is to have a 5-minute rule here. Each of us will share, between Republican and Democratic side, a chance to ask 5 minutes of questions. And, hopefully, we will not be interrupted by votes.

But let me just say in terms of my 5 minutes—and the timekeeper is working—that I think most of the members here on this committee are probably members of the largest caucus in the House, that being the Fire caucus. I have had the chance, myself, to ride with departments back in Michigan, as well as here in Washington, and I have a firefighter relative; my sister-in-law is a firefighter in Colorado and I know very well the hazards that she undertakes. And, I appreciate all of your testimony for sure.

I guess my first question is—I look sort of at Chief Eversole and Mr. Monihan—do you feel that, in your roles and the departments that you have helped lead, that the firefighters and folks responsible for emergency response have a good understanding of the communities that they represent without moving to the Internet? Is that a—has that been a focus of their role, whether it be in a large community or a small?

Mr. EVERSOLE. Sir, truthfully, I think that that varies from community to community. In some communities, they work very hard and diligently to understand the big problem that is in their community, to understand the risks that are in their communities. And others have not been able to do such a good job, primarily, because the LEPC's was an unfunded mandate. And there is many places that—in my city, as big as it is, we basically borrowed manpower, equipment, and everything else to make it work. And it is very difficult to find the funding that we would like to see to accurately do that.

And I think that the EPA could be a significant help to use in helping local communities build their LEPC's to where they were actually intended by EPA regulation.

Mr. UPTON. Mr. Monihan.

Mr. MONIHAN. In the smaller communities—basically the same thing as Chief Eversole just said is the case. In some places, they are well-aware of what is in their community; other places, not so. And I can't give you any kind of a reasoning behind that.

In my own community, if you have heard of Maalox, Lewes is where it starts, because magnesium oxide is extracted from seawater at Lewes by a company, and some of the materials they use are extremely caustic. We are aware of all these, but we are fortunate; some other places are not.

It is really hit and miss across the country; it really it.

Mr. UPTON. Mr. Blitzer, I understand through staff that you might be prepared to talk about a planned bombing of a chemical facility in Texas that you are aware of. And before you do, I would like to—in my district just a couple of weeks ago, we a couple of individuals convicted of trying to blow up a major intersection, I-94, which crosses the State of Michigan, with 131, which is the north-south route which goes up to Grand Rapids. Thank goodness, we were able to prevent that from happening. And, as I understand it, these two individuals were going to do that to divert the attention of the local law enforcement so that they could cause quite a bit of damage and had a couple of people on an assassination target, including one of our Senators from Michigan, and a couple of other folks. And, I would just like you to maybe relate some of the story that I understand you are prepared to tell about Texas with a chemical facility.

Mr. BLITZER. I would be glad to talk a little bit about that.

Mr. UPTON. Could you speak in the mic——

Mr. BLITZER. Yes.

Mr. UPTON. [continuing] just a little closer, too.

Mr. BLITZER. Because that case is adjudicated. Everyone has been convicted; they are in jail.

Essentially, what we had was a very fast moving investigation of a Ku Klux Klan—and I think the minority mentioned this this morning—a case we called the "Sour Gas case" at the Bureau. And during that investigation, we learned that this group, in order to appropriate money, had planned to blow up a chemical facility, what they thought was a very caustic chemical facility. And, they really didn't care how many people were injured during that particular event because they wanted it to cover an armored car robbery. But fortunately for us, one of the people involved began to talk to us, and we were able to prevent that before it occurred. I think that is an important concept.

Someone mentioned—I think Mr. Burr—prevention; prevention is so important in these cases, and the ability to prevent is something that we always just can't do. It is difficult.

So, that was the case, and, certainly, a case to think about.

As I mentioned in my testimony, there is a growth of intelligence out there on these major cases that many of us have lived through. And, the intelligence world—sometimes it is good; sometimes it is not so good. And as we are looking ahead—and I think this is what we tried to do between EPA and the Bureau—we tried to look ahead. We tried to think about; what are the possibilities?

We hear people out there in the terrorism world talking about weapons of mass destruction, chemical and bio; we are concerned about that. And I know in the recent testimony of the Director and the Attorney General, they both touched very heavily on this and a lot of the work that it has been doing, fully supported by Con-

gress, to prevent and deter this kind of activity in our Nation. These are good targets.

And, so I just offer that as a response.

Mr. UPTON. I appreciate that.

My time has expired.

I recognize the gentleman from Ohio, Mr. Brown.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. Gablehouse, there appears to be an impression that "worst case scenario" data and perhaps chemical quantity data is somehow more attractive to terrorists than information that is currently available to the public through SARA Title III or State public right-to-know laws. Is that your impression?

Mr. GABLEHOUSE. No, sir, it is not. In fact, I believe the "worst case scenario" portion of a risk management plan would provide nobody with enough information to actually cause an incident. "Worst case scenarios" are fundamentally theoretical events; they can be calculated without reference to almost any information about the actual physical configuration of a facility.

I can obtain, today, quantity information on major facilities handling extremely hazardous substances under the Emergency Planning Community Right-To-Know Program. Many States had that database available on their Internet servers, or you can get it through various State access laws.

If I look at literature searches that can be conducted today, I can find facilities that are a matter of great concern in their community. I can find facilities that have experienced accidents.

The research I spoke about during my testimony is conducted based on the information available now. RMP information is not there nor posted, but I can discover information about chemicals. I can get into various databases, both private and public, in the Internet and obtain information about location of facilities in relationship to schools and other matters.

There is, you know, a great tendency to fill vacuums in this country, and there is enough concern over chemical risks and these sorts of hazards that various groups had filled those vacuums. And, there is a great deal of information out there today.

I do not believe that the risk management plan information, will significantly increase a risk and misuse of that information, even though it will serve to provide some certainty and detail.

Mr. BROWN. Thank you.

You had said at the beginning of your testimony that a good many communities do not have functional local emergency planning committees; correct?

Mr. GABLEHOUSE. That is correct.

Mr. BROWN. There seems to be little dispute that the local emergency planning committee should have access to "worst case scenario" information, even on the Internet. But, as you know, there is a dispute over how the community at large should receive this information.

A witness who will testify in a later panel suggested that all "worst case scenario" information, as well as chemical quantity information, be obtained by the community or the facility, itself—the community through the planning committee or the facility, itself. Does this give adequate access to the information for the commu-

nity, particularly when there is not a functional local emergency planning committee, as you suggested?

Mr. GABLEHOUSE. There are many communities in the part of the world I am familiar with—which is the mountain west—that will not have access to information under that approach. We do not have large companies that are able to help organize and create local LEPC's in a variety of areas. If we have States that don't participate in disseminating the information, you are basically looking at local folks who are worried about these issues—be they firefighters or citizens, or the planning department of a local county or city worried about zoning issues—that will have a great deal of difficulty in getting access to this information unless there is some mechanism for broad dissemination.

Thank you, Mr. Chairman.

Mr. UPTON. Thank you.

I recognize the chairman of the full Health and Environmental Subcommittee, Mr. Bilirakis, from Florida.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

The words "common sense" have been mentioned here this morning a few times. I would like to think they should pervade all of us in terms of this situation, and every situation, I might add, but certainly this situation.

I think I am convinced, based on what you people have said and based on what I have known prior even to the hearing, that the need for communities to be able to compare their "worst case scenario" data with that of other communities across the country is there. That makes sense to me, and, obviously, Internet access is the easiest way to accomplish that goal.

But I think we have to ask ourselves, again, in a common-sense way, is it the only way? Aren't there other ways we can accomplish that beneficial goal without making this sensitive data also available to terrorists all around the globe? And that is a question that is just hanging there. And I think Chief Eversole somewhat addressed it in his own way, a much better way than I could.

Mr. Gablehouse, you stated in your testimony that you applaud—I am not sure you used that word—but you applaud, you supported the EPA's decision to not post this information on the Internet; is that correct?

Mr. GABLEHOUSE. I said I supported it, sir.

Mr. BILIRAKIS. Yes; you support it; right? You don't applaud it, you support it?

Well, if you don't think EPA should put it on the Internet, should it be on the Internet? EPA shouldn't put it on the Internet, but should someone else be able to put it on the Internet? Is it wise; is it good sense? Is it a good idea to put it on the Internet? For someone to put it on the Internet, whether it be EPA or whether it be whoever?

Mr. GABLEHOUSE. I think the most important point to make here, sir, is that regardless of the actions of this subcommittee or EPA or anybody else, information will be put on the Internet to fill a vacuum.

We have a choice; we can put information on the Internet that promotes meaningful conversations in communities about risk re-

duction, risk management, or we can allow speculation and guesswork to fill that vacuum.

In my experience, credibility is important, and credibility in those conversations I believe requires having reliable and meaningful information available broadly to folks and the people out there.

Mr. BILIRAKIS. All right. You have kind of danced around the question, and I am not necessarily going to let you off the hook there, because it is important that we know. First of all, I am impressed with you. Diana DeGette is very impressed with you; she gave you quite an introduction. And, I think it is important that we know what your feeling is on this subject.

You talk about credibility. I like to think that Mr. Monihan and Chief Eversole have some credibility, as well as virtually everybody who is going to testify after this panel.

If State and local governments, communities, were given access to all of the national RMP data through a secure, Government-only Internet server, would that satisfy the community right-to-know need?

Mr. GABLEHOUSE. I have said I support EPA's decision not to post offsite consequence information because my assumption is that it will be available through some mechanism, either secure or otherwise, to local governments, to States, to the agencies that need this information for planning and other purposes. I certainly support that; I think that is the appropriate way to disseminate it in a practical matter.

As I pointed out to you, though, before, LEPC's are creatures of the citizens that populate them. If we were all served by the Chicago Fire Department Hazardous Materials Unit, or if all the businesses in our areas were just CMA or National Association of Manufacturers businesses that understand how to deal with these problems, the concern of the citizens would be much less.