

## **Chemicals Unsecured: Chemical Plants Dangerously Vulnerable to Terrorism**

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One of the most urgent threats to America's safety is the risk that terrorists could cause thousands, even millions, of deaths and injuries by sabotaging one or more of the 15,000 industrial chemical plants across the United States.

To address this danger, the government and industry should provide greater physical security for chemical facilities and shift to safer chemicals and technologies where available and cost-effective. Soon after the 9/11 attacks, Sen. Jon Corzine (D-N.J.) introduced commonsense legislation, the Chemical Security Act, requiring chemical plants to take these steps.

Unfortunately, three years after 9/11, the rules covering the safety of chemical plants are no stronger than they were before, and serious vulnerabilities remain unaddressed.

Under pressure from the chemical industry – which has contributed more than \$8 million to the campaigns of President Bush, his inaugural committee and the Republican National Committee since 2000 – the administration has failed to take the measures necessary to make us safer. The administration and the chemical industry have blocked the Corzine legislation (S. 1062 in the 107<sup>th</sup> Congress; S. 157 in the 108<sup>th</sup> Congress), generally viewed as offering major improvements to chemical security, and prevented efforts by the Environmental Protection Agency to enhance chemical security. The Corzine legislation would begin to fundamentally shift the chemical industry away from inherently unsafe technology toward new processes to make chemical production safer and less vulnerable to attack by terrorists.

Stephen Flynn, a former Coast Guard Commander and staff director of the bipartisan commission co-chaired by former Sens. Gary Hart (D-Colo.) and Warren Rudman (R-N.H.) that warned of terrorist threats prior to 9/11, writes about the chemical threat in his new book, "America the Vulnerable":

The morning after the first terrorist strike on this sector, Americans will look around their neighborhoods and suddenly discover that potentially lethal chemicals are everywhere, and be aghast to learn that the U.S. government has still not developed a plan to secure them. The subsequent political pressure to shut down the industry until some minimal new safeguards can be put in place – as we did with commercial aviation following the 9/11 attacks – will be overwhelming.<sup>1</sup>

## Chemical Plants Are Likely Terrorist Targets

Chemical facilities in the United States manufacture and store a wide range of products, from plastics to petrochemicals, fertilizers to pesticides.

In November 2001, Fred Webber, the then-president of the chemical industry's principal trade association, the American Chemistry Council (ACC), admitted in a news article, "If you're looking for the big bang, obviously you don't have to go far in your imagination to think about what the possibilities are."<sup>2</sup> And a 1998 report from the ACC (then called the Chemical Manufacturers Association) acknowledged that, "[p]ut in the right place, bombs can deliver the destructive power of a weapon of mass destruction."<sup>3</sup>

The potential dangers posed by chemical plants are clear. Twenty years ago, the world learned an important lesson about the killing power of toxic chemicals. The accidental release of a cloud of methyl isocyanate at a Union Carbide insecticide plant in Bhopal, India, in 1984 killed approximately 8,000 people immediately, more than twice the death toll of 9/11. Another 12,000 people have subsequently died from the effects of the Bhopal incident and 150,000 more have suffered injuries.<sup>4</sup>

A terrorist group could potentially cause even greater harm by entering a plant in the United States and setting off an explosion that produces a deadly gas cloud. As former Sen. Rudman told reporters: "If you were terrorists and you decided to cause a major disaster, why would you not go to a plant that if you could penetrate it and blow up part of it, would cause fumes to waft over the entire area to kill who knows how many people."<sup>5</sup>

Several studies and investigations have illustrated the destructive potential of a chemical plant attack. Among them:

- A study by the Army surgeon general, conducted soon after 9/11, found that up to 2.4 million people could be killed or wounded by a terrorist attack on a single chemical plant.<sup>6</sup>
- After reviewing EPA documents in the months following 9/11, *The Washington Post* reported<sup>7</sup> on some of the potential dangers of chemical plants:
  - A suburban California chemical plant routinely loads chlorine into 90-ton railroad cars that, if ruptured, could poison more than 4 million people in Orange and Los Angeles counties, depending on wind speed and direction and the ambient temperature.
  - A Philadelphia refinery keeps 400,000 pounds of hydrogen fluoride that could asphyxiate nearly 4 million nearby residents.
  - A South Kearny, N.J., chemical company's 180,000 pounds of chlorine or sulfur dioxide could form a cloud that could threaten 12 million people.

- The West Virginia sister plant of the infamous Union Carbide factory in Bhopal, India, keeps up to 200,000 pounds of methyl isocyanate that could emit a toxic fog over 60,000 people near Charleston.
- The Atofina Chemicals Inc. plant outside Detroit projects that a rupture of one of its 90-ton rail cars of chlorine could endanger 3 million people.

Chemical plants and storage facilities are a ubiquitous feature of our industrialized landscape and pose a major threat if left unsecured.

### **Terrorist Groups Have Indicated an Interest in Chemical Attacks**

There is clear evidence that terrorists are interested in chemical plant attacks. In his February 2002 congressional testimony, CIA Director George Tenet warned, “Al Qaeda or other terrorist groups might ... try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage.”<sup>8</sup>

In February 2003, the government’s National Infrastructure Protection Center, then part of the FBI, warned that U.S. chemical plants were “viable targets” of al Qaeda terrorists bent on causing “contamination, disruption, and terror.”<sup>9</sup> Also in February 2003, the Justice Department warned in a letter to the Government Accountability Office (GAO), that “[t]he risk of terrorists’ attempting in the foreseeable future to cause an industrial chemical release is both real and credible.”<sup>10</sup>

Beyond the warnings of federal officials are other indications:

- Evidence at the trials of the terrorists who bombed the World Trade Center in 1993 indicated that they had stolen cyanide from a chemical plant and were plotting to introduce it into building ventilation systems.<sup>11</sup>
- The FBI obtained eyewitness evidence that Mohammed Atta, ringleader of the 9/11 hijackers, landed a plane in Tennessee in March 2001 and asked a local man what kind of chemicals were contained in storage tanks he had flown over. The plant, in fact, contained some 250 tons of sulfur dioxide that could have killed tens of thousands if released.<sup>12</sup>
- In December 2001, U.S. forces found copies of American chemical trade publications in an Osama bin Laden hideout in Afghanistan.<sup>13</sup>
- In the United States, at least twice in the late 1990s, individuals sought to cause the release of chemicals from factories, once at a propane storage facility and once at a gas refinery.<sup>14</sup> In the propane case, in 1999 the FBI arrested two alleged militia members who reportedly were plotting to explode six propane tanks located about a mile from a residential area in the Sacramento suburbs.<sup>15</sup>

## **U.S. Chemical Plants Today Vulnerable to Attack**

There is ample and disturbing evidence that chemical plants and storage facilities are among the most vulnerable high-impact targets that terrorists could exploit. A former head of security for Georgia-Pacific has said, “Security at a 7-Eleven after midnight is better than that at a plant with a 90-ton vessel of chlorine.”<sup>16</sup>

That lack of security was demonstrated in February 2003 when an intruder broke through a fence at a chemical plant in Gulfport, Mississippi, seeking to steal anhydrous ammonia, apparently to make illegal crystal methamphetamine. The break-in resulted in an ammonia leak that shut down the Biloxi airport and several miles of interstate highway for 10 hours and prompted the evacuation of nearby hotels.<sup>17</sup> If a common criminal can defeat plant security measures today, it seems clear that terrorist groups can do the same.

Investigations by the *Pittsburgh Tribune-Review*, CBS’s *60 Minutes* and others have highlighted lax or nonexistent security at chemical plants.

- The *Tribune Review* found that “anyone has unfettered access to more than two dozen potentially dangerous plants in [Western Pennsylvania]. ... The security was so lax at 30 sites that in broad daylight a Trib[une] reporter – wearing a press pass and carrying a camera – could walk or drive up to tanks, pipes and control rooms considered key targets for terrorists.”<sup>18</sup>
- After subsequent investigations in the Baltimore, Chicago and Houston areas, the *Tribune Review* reporter, Carl Prine, concluded that security was low at some of the “potentially deadliest plants” and that plant personnel “not only let a stranger walk through warehouses, factories, tank houses and rail depots, but also gave directions to the most sensitive valves and control rooms.”<sup>19</sup> Prine later said, “I found almost non-existent security in a lot of places. I walked right up to the tanks. There was one plant in Chicago, I simply sat on top of the tank and waved, ‘Hello, I’m on your tank.’”<sup>20</sup>
- *60 Minutes* found that its crew was able to gain ready access to a number of plants; they saw “gates unlocked or wide open, dilapidated fences, and unprotected tanks filled with deadly chemicals.”<sup>21</sup>

## **The EPA’s Attempts to Address Threats Overruled by White House**

The Environmental Protection Agency under Christine Todd Whitman did its part to evaluate and address the chemical plant threat, but EPA efforts were derailed by the Bush White House.

The EPA has identified 140 toxic and flammable chemicals that pose the greatest risk to human health and the environment. The agency also identified approximately 15,000 facilities that produce, use or store one or more of these chemicals in significant quantities.<sup>22</sup> The EPA identified 123 chemical facilities where an accident or attack

could threaten more than a million people and 7,605 plants that threatened more than 1,000 people.<sup>23</sup>

In June 2002, the EPA formulated a plan based on its determination that it could use its existing authority under the Clean Air Act to compel chemical plants to increase security.<sup>24</sup> Following the Corzine legislation's approach, the agency also planned to promote the use of less hazardous chemicals where feasible.<sup>25</sup>

The chemical industry worked to derail the EPA initiative. A letter from Red Cavaney, president and CEO of the American Petroleum Institute, which represents numerous petrochemical companies, to James Connaughton, chairman of the White House Council on Environmental Quality, captures the industry approach. He warned that allowing the EPA plan to proceed would endanger cooperation between industry and government and lead to "potential litigation."<sup>26</sup>

The threat by industry to cease cooperating with the agency and sue the government ultimately made EPA officials hesitant to pursue enforcement under the existing Clean Air Act. Instead, the agency decided to seek additional authority from Congress to mandate chemical plant security.<sup>27</sup>

Subsequently, in response to industry pressure, the Bush administration overruled the EPA initiatives.<sup>28</sup> In December 2003, Bush formally took away EPA's authority in this area and announced that chemical security was now the province of the new Department of Homeland Security (DHS) under Secretary Tom Ridge, even though DHS had no authority to enforce the Clean Air Act nor to establish and enforce new plant security standards.<sup>29</sup>

### **Department of Homeland Security Ignores Threat**

Secretary Ridge, in October 2002, issued a joint statement with EPA Administrator Whitman asserting that voluntary security steps by chemical plant operators were insufficient to protect U.S. security.<sup>30</sup> Yet although Bush gave the department the responsibility to oversee chemical security, DHS has not asked for mandatory security and safety standards.

As *The Wall Street Journal* disclosed in August 2004, DHS tried to reduce the threat of catastrophic attack with the stroke of a pen alone. The department announced that the number of plants that threaten more than 1,000 people was only 4,391, not 7,605, as EPA had determined, and the number endangering more than a million people was not 123, but two.<sup>31</sup> While DHS has set in motion plans to install security cameras at 13 chemical plants in seven states, it has excluded some high-threat states such as Florida, Ohio and Minnesota.<sup>32</sup>

Although members of DHS staff visit plants and offer advice,<sup>33</sup> the department lacks sufficient funding and personnel to deal with thousands of facilities<sup>34</sup> and remains

without the power to impose and enforce security standards, relying instead on voluntary efforts by the industry.

While some in the industry claim they can and will address the issue voluntarily, such an approach is completely inadequate to assure security. For example, the major chemical industry trade association, ACC, now requires its members to identify and address vulnerabilities at their plants. Yet ACC members account for only about 1,000 of 15,000 significant U.S. chemical facilities. Moreover, the ACC does not require companies to hire a third party to assess the adequacy of security measures.<sup>35</sup>

Without enforceable requirements, chemical firms will remain reluctant to put sufficient safeguards in place, for fear that their competitors will scrimp on security and thus be able to undercut them on price.<sup>36</sup>

In public comments, former Sen. Rudman has concurred on the need for mandatory, rather than voluntary, controls: “What I would recommend is that federal security experts working with the Congress establish minimum standards [and] that Congress pass a law enabling the Department of Homeland Security to set those standards and to enforce those standards.”<sup>37</sup>

In sum, the government is not developing an adequate protective regime to harden the defenses of chemical plants against attack. Moreover, it has failed to sufficiently investigate the risks and the industry’s weaknesses. Earlier this year, the GAO concluded, “Despite a congressional mandate to do so, the federal government has not conducted the assessments necessary to develop comprehensive information on the chemical industry’s vulnerabilities to terrorist attacks.”<sup>38</sup>

### **Chemical Industry Poured Millions Into Bush campaign and Republican National Committee**

The chemical companies that make up the ACC and the petrochemical companies that are members of the American Petroleum Institute (API) – the two trade associations that led the fight against Sen. Corzine’s “Chemical Security Act” – strongly favor Republicans in their political giving.

Without question, the chemical industry’s favorite candidate is Bush:

- Over the past three election cycles, according to Public Citizen’s analysis of data provided by the Center for Responsive Politics, the two trade groups, their member companies and their employees have donated at least \$8.1 million to the Bush-Cheney presidential campaigns, the Bush-Cheney Inaugural Committee and the Republican National Committee (RNC). [See Figure 1.]
- The companies and their employees who gave the most to Bush’s campaign efforts during the past three election cycles were ChevronTexaco (\$802,050), Eli Lilly (\$674,246), Dow Chemical (\$575,954), ConocoPhillips (\$557,168) and

Occidental Petroleum (\$434,004). Excluding those firms whose employees gave nothing, the average company's employees contributed nearly \$100,000 each. [For a complete list of campaign contributions by company, see Figure 4.]

- Ten executives and one spouse from the chemical and petrochemical industries have achieved “Ranger” or “Pioneer” status – meaning they personally have collected from employees, colleagues or friends at least \$200,000 or \$100,000, respectively, for the Bush campaign in 2000 or 2004 – or they pledged to do so. The five confirmed rainmakers have rounded up at least \$1.4 million – and surely much more – for Bush’s presidential campaign efforts. For one thing, this figure doesn’t count the contributions from another six executives who pledged to become Pioneers in 2000, because the Bush campaign refused to confirm whether they reached their goal or how much they actually raised. [See Figure 2.]

**Figure 1**  
**Chemical Industry Contributions to Bush Campaign & RNC, 2000-2004**

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
American Chemistry Council & ACC Members†	\$404,583	\$2,452,745	\$557,500	\$1,317,672	\$455,433	\$276,156	\$5,464,089
American Petroleum Institute & API Members‡	\$155,801	\$1,090,355	\$330,000	\$774,120	\$112,300	\$157,931	\$2,620,507
<b>Total</b>	<b>\$560,384</b>	<b>\$3,543,100</b>	<b>\$887,500</b>	<b>\$2,091,792</b>	<b>\$567,733</b>	<b>\$434,087</b>	<b>\$8,084,596</b>

Source: Public Citizen analysis of data provided by the Center for Responsive Politics. Totals include contributions from political action committees and individual members or employees of an organization, as well as unrestricted "soft money" donations from individuals and corporate treasuries before the 2004 election cycle (when such donations became illegal). Contribution data are as of October 1, 2004.

† Contributions by companies belonging to both trade associations are counted as part of ACC totals.

‡ Includes only those API member companies involved in the chemical or petrochemical business.

- Chemical industry executives were among the earliest backers of Bush. Frederick L. Webber, former president of the ACC (then known as the Chemical Manufacturers of America), organized a trip of industry CEOs in February 1999 to meet with Bush in Austin, Texas. Webber then helped set up “Chemical Industry Executives for Bush,” a group of 25 CEOs – including William S. Stavropoulos of Dow Chemical and J. Roger Hirl of Occidental Chemical, a 2000 Pioneer – “who agreed to make fundraising calls to their counterparts nationwide.”<sup>39</sup> Webber and Stavropoulos hosted a Bush fundraiser at the chemical industry trade association’s annual meeting that June.<sup>40</sup> Both Webber and Hirl were rewarded with appointments to the Bush-Cheney transition team for, respectively, the Labor and Energy departments.

- Besides Webber, at least four other ACC members pledged to become Bush Pioneers in 2000: Robert N. Burt, chairman & CEO of FMC Corp; Ronald Docksai, a top lobbyist for pharmaceutical and chemical giant Bayer Corp.; S. Reed Morian, chairman and CEO of Dixie Chemical Co.; and Garland “Buddy” Williamson, a vice president at Eastman Chemical. None is listed among Bush’s top fundraisers for the 2004 cycle. But Burt and Williamson retired during Bush’s first term, as did Hirl and Webber (who is now the interim president of the Alliance of Automobile Manufacturers).

**Figure 2**  
**Chemical Industry Rangers and Pioneers**

Name	Employer	Occupation	Fundraising Status	Minimum \$ Bundled
Robert N. Burt	FMC Corp.	Chairman & CEO <sup>41</sup>	2000 Pioneer*	n/a
Ronald F. Docksai	Bayer Corp	V.P., Government Relations	2000 Pioneer*	n/a
Archie Dunham	ConocoPhillips	Chairman <sup>42</sup>	2000 Pioneer*	n/a
J. Roger Hirl	Occidental Chemical Co.	President & CEO <sup>43</sup>	2000 Pioneer	\$100,000
Allan B. Hubbard	E&A Industries	President	2004 Ranger, 2000 Pioneer	\$300,000
Kathy Hubbard	E&A Industries	Spouse of President	2004 Ranger, 2000 Pioneer	\$300,000
Jack E. Little	Shell Oil	President & CEO <sup>44</sup>	2000 Pioneer*	n/a
S. Reed Morian	Dixie Chemical Company	Chairman & CEO	2000 Pioneer*	n/a
James B. Nicholson	PVS Chemicals Inc.	CEO & President	2004 Ranger, 2000 Pioneer	\$600,000†
Frederick L. Webber	American Chemistry Council	CEO & President <sup>45</sup>	2000 Pioneer	\$100,000
Garland S. Williamson	Eastman Chemical	Vice President <sup>46</sup>	2000 Pioneer*	n/a
<b>Total</b>	--	--	--	<b>\$1.4 million</b>

Source: Public Citizen research and analysis of Bush campaign disclosures, [www.WhiteHouseforSale.org](http://www.WhiteHouseforSale.org).

\*Pledged to become a Pioneer in 2000, but the Bush campaign would not confirm if bundler reached the goal or how much money was collected.

†Achieved “Super Ranger” status after collecting \$300,000 for the Republican National Committee in 2004. This money is included in the “Minimum \$ Bundled” total.

- In the current election cycle, ACC fundraising is being led by James B. Nicholson, president & CEO of Michigan's PVS Chemicals, a 2000 Pioneer who became a Ranger in 2004. In addition to the \$300,000 (at a minimum) that Nicholson has collected for the Bush-Cheney campaign, he also raised at least \$300,000 for the RNC in 2004 – becoming one of the party's 69 "Super Rangers."<sup>47</sup>
- Allan B. Hubbard and his wife Kathy each qualified as Rangers in 2004 after achieving Pioneer status in 2000. Hubbard, who was a classmate of Bush's at Harvard Business School, owns three specialty chemical companies in Indianapolis. The former deputy chief of staff for Vice President Dan Quayle, Hubbard recently was named as part of Bush's 2004 debate negotiations team.
- The API also poured money into the Bush campaign from the start. API President Red Cavaney, though not listed among the 2000 Pioneers, reportedly helped direct more than \$1 million in oil money to Bush.<sup>48</sup> ConocoPhillips Chairman Archie Dunham, a member of the API Board of Directors, pledged to become a Pioneer. So did Jack E. Little, who served on the API board before retiring as president and CEO of Shell Oil.
- While the campaign never confirmed whether either Dunham or Little reached their \$100,000 fundraising goal, Conoco employees kicked in more than \$200,000 to Bush and the Republican National Committee in 2000 (in addition to \$120,000 donated by Phillips Petroleum workers before the two corporations merged).<sup>49</sup> Shell workers donated at least \$47,450 that cycle. After Bush declared victory, Dunham personally donated another \$100,000 to the Bush-Cheney Inaugural Committee.<sup>50</sup>
- In 2002-2003, Dunham also served as chairman of the National Association of Manufacturers (NAM), the country's largest industrial trade association. Part of the more than \$10.8 million NAM spent to influence the federal government in 2002 and 2003 was devoted to lobbying the White House, Congress and the EPA on "chemical security."<sup>51</sup> In 2002, Dunham also was appointed by Bush to the National Infrastructure Advisory Committee, a group charged with advising the president on "the security of the cyber and information systems of the United States' national security and economic critical infrastructures."<sup>52</sup>

Both the ACC and API enjoyed insider access to the Bush administration. In September 2002, according to *The Washington Post*, Webber led a group of chemical industry officials to the White House for meetings about the Corzine bill with Bush adviser Karl Rove and the Council on Environmental Quality. "We had a meeting with Karl Rove," Greg Lebedev, who succeeded Webber as head of the ACC, told the *Post*. "We think that's a good thing. We take people to meetings with people in government around town all the time."<sup>53</sup> API also heavily lobbied the Council on Environmental Quality and the EPA, according to documents obtained by Greenpeace.<sup>54</sup>

The cozy relationship between the Bush administration and the chemical industry is captured in an exchange of letters between Michael J. Graff, president of BP Amoco Chemical Co., and senior presidential adviser Karl Rove. In the letters, Graff thanks Rove for meeting with him and his colleagues from the American Chemistry Council and allowing the industry representatives to express their “concerns” about the Corzine legislation. He added: “On a more personal note, my family and I sincerely appreciate the level of dignity and respect that President Bush and his staff have restored to the White House. You have our full support.” (In his reply, Rove expresses “a similar set of concerns” about the Corzine bill within the administration.)<sup>55</sup>

### **Chemical Industry Lobby Intensely Opposes Safety and Security Measures**

Industry groups have lobbied intensely against Sen. Corzine’s bill, which would mandate greater physical security for chemical facilities and a shift to safer chemicals and technologies where they are available and cost-effective. While it is not possible to determine the exact amount that opponents of the bill spent on lobbying in Washington due to limits in the reporting requirements, Public Citizen’s analysis of federal lobbying disclosure records provides a good general measure of the industry’s clout. Since 2002, the ACC, API and their member companies that lobbied on the Corzine bill or chemical plant security issues have spent \$101.8 million on efforts to influence the federal government. [See Figure 3.]

An intense period of lobbying occurred in the summer of 2002. That July, the Senate Environment and Public Works Committee (EPW) approved the Corzine bill by a 19-0 vote. In response, the leaders of the ACC and API called on some of Washington’s biggest and most influential trade associations to lobby Congress. A broad coalition of 30 trade associations was established – including such heavyweights as the American Farm Bureau Federation, the Edison Electric Institute, the National Association of Manufacturers and the U.S. Chamber of Commerce. The groups signed a letter to the Senate on August 29, 2002, charging that the Chemical Security Act would “splinter security responsibility away from the Department of Homeland Security and grant the Environmental Protection Agency extensive new authority that may be detrimental to advancing our nation’s critical infrastructure security.”<sup>56</sup>

Also during the August 2002 congressional recess, the coalition “began flooding senators’ offices with calls and letters, asking them not to support the Corzine bill,” according to Common Cause. The groups ran advertisements in Capitol Hill publications and op-eds in newspapers criticizing Corzine’s legislation.<sup>57</sup>

In September 2002, seven Republicans who had supported the Corzine measure in the EPW committee wrote to colleagues urging that it now be rejected. The bill was blocked from reaching the Senate floor in fall 2002 when the Senate passed the Homeland Security Act.<sup>58</sup>

Federal lobbying disclosure records show that the ACC and API each have spent more than \$6 million on efforts to influence the federal government since 2002. But in

addition to the lobbying by the trade associations, 24 member companies also lobbied on chemical plant security during the past three years. Nine of the companies were members of both trade associations, 11 were members of the ACC alone, and four belonged to just the API.

**Figure 3**  
**Chemical Industry Lobbying, 2002-2004**

Company/Organization	2002	2003	2004*	Total
American Chemistry Council (ACC)	\$2,120,000	\$2,140,000	\$2,500,000	\$6,760,000
ACC Member Companies†	\$15,353,805	\$25,761,278	\$14,731,526	\$55,846,609
American Petroleum Institute (API)‡	\$3,040,000	\$3,140,000	n/a	\$6,180,000
API Companies	\$14,942,182	\$12,815,101	\$5,210,160	\$32,967,443
<b>TOTAL</b>	<b>\$35,455,987</b>	<b>\$43,856,379</b>	<b>\$21,621,686</b>	<b>\$101,754,052</b>

*Source:* Public Citizen analysis of lobby disclosure reports filed with the Secretary of the Senate and Clerk of the House, 2002-2004. Dollar amounts reflect the total federal lobbying expenditures by companies and organizations during reporting periods in which they lobbied on the Corzine bill or chemical plant security issues. Lobby disclosure reports do not itemize expenditures for specific lobbying issues or bills.

† Lobbying expenditures for companies belonging to both trade associations are counted as part of ACC totals.

‡ Includes only those API member companies involved in the chemical or petrochemical business.

\*Totals include lobbying through June 30, 2004. As of October 1, mid-year 2004 lobby disclosure forms were unavailable for the American Petroleum Institute and four members of the ACC that lobbied on chemical industry security issues in prior years.

More than half of the ACC and API member companies that lobbied on chemical plant security issues spent over \$1 million each on federal lobbying in the past three years, and some spent well over \$1 million. And some of the companies ranked among Washington’s biggest spenders, including ExxonMobil (\$18.5 million since 2002), ChevronTexaco (\$12.4 million), Shell Oil (\$11.2 million), Marathon Oil (\$8.8 million) and Honeywell (\$7.5 million). [See Figure 5 for annual lobbying totals for all chemical industry companies.]

The result of the industry’s profligate spending for influence and insider access was that Corzine’s bill never saw the light of day. “My bill was crushed by the American Chemistry Council,” Corzine told CBS’s *60 Minutes*. “It was crushed by those who were looking after their private interests and not the public interest.”<sup>59</sup>

Some Republicans now support legislation sponsored by Sen. James M. Inhofe (R-Ok). But that proposal (S. 994) would merely give DHS the discretion to “endorse”

the chemical industry's voluntary plant security programs. The White House, however, echoing the industry's opposition to any bill, has not even pressed for enactment of the toothless Inhofe measure.<sup>60</sup>

Matthew Brzezinski, a journalist who recently investigated homeland security issues in depth and published his findings in the book "Fortress America: On the Front Lines of Homeland Security," says that the chemical industry is the greatest overlooked security threat today. Due to industry lobbying against safety measures, Brzezinski says, "We're just as vulnerable today as we were on 9/11."<sup>61</sup>

### **America Needs Better Chemical Plant Safety and Security**

Even the tightest perimeter security, while important, cannot ensure our protection against chemical plant attack. An aircraft, high-powered rifle or assault weapon could pierce security and cause catastrophe. Therefore, we need to improve the physical security of chemical plants and move toward safer chemicals and technology whenever feasible.

Such safer substitutes are widely available. A good example is the conversion of Washington, D.C.'s, main sewage treatment plant from deadly chlorine gas to safer chemicals just eight weeks after 9/11.<sup>62</sup> An attack on one of the rail cars storing the chlorine could have endangered 2.7 million people in the Washington area.<sup>63</sup> This critical conversion was accomplished quickly, and it added an insignificant 25 to 50 cents annually to each customer's water bill.<sup>64</sup>

Many other companies have demonstrated the potential for switching to safer chemicals and technologies. Many drinking water plants have phased out their use of chlorine gas.<sup>65</sup> Two-thirds of U.S. oil refineries now use safer processes that do not require use of highly toxic hydrofluoric acid.<sup>66</sup> Power plants have switched from highly lethal anhydrous ammonia to safer chemicals.<sup>67</sup>

The Corzine bill recognizes business concerns in addressing the issue of safer chemicals and technologies. The legislation allows companies a wide range of options – safer substitutes, smaller amounts of hazardous chemicals, reduced storage, etc. Moreover, if a company can demonstrate that changing to safer chemicals and technologies are not cost-effective, it need not shift to these safer approaches.

A president who put protection of our people first would lead efforts to enhance chemical plant security instead of impeding such efforts.

**Figure 4**  
**Chemical Industry Contributions to Bush/RNC, 2000-2004**

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
3M	\$3,500	\$52,845	--	\$34,440	\$24,100	\$2,384	\$117,269
Air Liquide America Corp.	\$300	--	--	--	\$2,000	--	\$2,300
Air Products and Chemicals Inc.	\$6,250	\$17,250	--	\$6,010	\$5,300	\$14,745	\$49,555
Akzo Nobel Chemicals Inc.	\$3,250	--	--	--	\$250	\$375	\$3,875
Albemarle Corp.	\$1,000	\$80,000	--	--	\$2,500	--	\$83,500
American Chemistry Council	\$7,105	\$175,644	--	\$156,000	\$2,000	--	\$340,749
American Petroleum Institute	\$28,500	\$11,000	\$25,000	\$13,500	\$11,450	\$575	\$90,025
Ashland Inc.	\$3,500	\$57,750	--	\$42,700	\$10,500	\$30,950	\$145,400
ATOFINA Chemicals Inc.	\$16,250	\$52,535	--	\$750	\$250	--	\$69,785
Avery Dennison Chemical	\$3,000	--	--	\$5,000	\$250	\$250	\$8,500
BASF Corp.	\$3,000	\$31,850	--	\$51,097	\$4,200	--	\$90,147
Bayer Corp.	\$5,768	\$95,080	\$5,000	\$6,026	\$3,475	\$4,935	\$120,284
Bechtel	\$6,250	\$240,250	--	\$77,950	\$14,650	\$19,250	\$358,350
BOC Gases	--	\$5,000	--	--	\$1,420	--	\$6,420
BP	\$32,223	\$185,325	\$100,000	\$76,700	\$11,415	\$5,792	\$411,455
Calgon Carbon Corp.	--	\$250	--	--	--	--	\$250
Cambrex Corp.	\$2,000	--	--	--	\$1,250	\$2,000	\$5,250
Carus Chemical Co.	\$1,250	\$2,000	--	--	--	--	\$3,250
Celanese	\$8,400	\$32,625	--	\$15,250	\$200	\$250	\$56,725

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
Champion Technologies Inc.	\$3,000	\$2,500	--	--	\$3,900	--	\$9,400
ChevronTexaco Corp.	\$15,000	\$275,150	\$100,000	\$333,800	\$21,400	\$56,700	\$802,050
Church & Dwight Co Inc.	\$2,500	--	--	--	\$1,000	--	\$3,500
ConocoPhillips	\$31,450	\$292,300	\$105,000	\$85,170	\$25,550	\$17,698	\$557,168
Cooper Natural Resources	--	\$1,000	--	\$3,000	--	\$1,000	\$5,000
CP Hall Co.	\$1,975	--	--	--	\$2,000	--	\$3,975
Crompton Corp.	--	--	--	--	--	\$1,700	\$1,700
Cytec Industries	\$1,000	\$1,000	--	--	--	--	\$2,000
Degussa Corp.	\$1,500	\$225	--	--	\$3,000	--	\$4,725
Dixie Chemical Co.	\$1,250	--	--	--	\$2,000	--	\$3,250
Dow Chemical Co.	\$26,450	\$200,200	\$100,000	\$208,804	\$32,030	\$8,470	\$575,954
Dow Corning Corp.	\$3,751	\$3,000	--	\$2,000	\$1,000	--	\$9,751
DSM USA	--	--	--	--	--	\$1,250	\$1,250
DuPont	\$8,050	\$20,550	--	\$37,666	\$5,975	\$5,480	\$77,721
Eastman Chemicals	\$20,700	\$5,000	--	--	\$17,550	--	\$43,250
Eastman Kodak Co.	\$2,000	\$22,465	--	\$16,400	\$3,700	\$575	\$45,140
Eli Lilly & Co.	\$27,450	\$368,380	--	\$194,141	\$63,875	\$20,400	\$674,246
EMD Chemicals	--	--	--	--	\$450	--	\$450
Ethyl Corp.	\$2,000	\$110,500	--	\$50,500	\$6,000	\$30,000	\$199,000
ExxonMobil	\$50,025	\$84,340	\$100,000	\$107,390	\$65,167	\$17,610	\$424,532

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
Fluor Corp.	\$3,500	\$19,950	--	\$48,900	\$4,200	\$2,680	\$79,230
FMC Corp.	\$15,200	\$31,290	\$7,500	\$3,650	\$5,050	\$1,300	\$63,990
Georgia Gulf Co.	--	\$200	--	--	\$750	--	\$950
Great Lakes Chemical Co.	--	\$200	--	--	\$1,000	--	\$1,200
Halliburton	\$19,422	\$88,930	--	\$14,200	\$5,400	\$3,850	\$131,802
Honeywell	\$12,000	\$23,850	\$100,000	\$4,100	\$16,320	\$2,250	\$158,520
IMC Chemicals Inc.	\$4,000	\$14,530	--	\$500	--	--	\$19,030
Jones-Hamilton Co.	\$1,000	--	--	--	--	--	\$1,000
Kerr-McGee Chemical	\$1,500	\$61,500	--	\$48,111	--	--	\$111,111
Lubrizol Co.	\$1,000	--	--	\$750	\$1,000	--	\$2,750
Marathon Oil	--	--	--	\$56,550	\$6,400	\$27,408	\$90,358
MeadWestvaco Corp.	--	--	--	\$225	\$6,700	\$698	\$7,623
Merck & Co.	\$10,050	\$126,350	\$120,000	\$87,860	\$7,975	\$2,975	\$355,210
Merichem Co.	\$1,050	--	--	--	--	--	\$1,050
Merisol USA	--	--	--	\$250	--	--	\$250
Milliken & Co.	\$1,750	\$11,690	--	\$720	\$400	\$440	\$15,000
Monsanto Co.	--	--	--	--	\$3,200	\$1,500	\$4,700
Nalco	--	--	--	--	\$2,000	--	\$2,000
Nexen Chemicals	--	\$200	--	--	\$4,000	--	\$4,200
NOVA Chemicals Corp.	\$1,000	--	--	--	--	--	\$1,000

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
Occidental Petroleum	\$26,029	\$140,975	\$100,000	\$127,050	\$12,600	\$27,350	\$434,004
Olin Corp.	--	--	--	--	\$500	--	\$500
PPG Industries Inc.	\$2,750	\$500	--	--	\$5,921	--	\$9,171
PQ Corp.	\$1,000	\$1,000	--	--	\$4,675	--	\$6,675
Praxair Inc.	\$1,000	\$37,250	--	\$45,000	\$750	\$30,000	\$114,000
Procter & Gamble	\$10,500	\$46,135	--	\$3,400	\$43,070	\$4,000	\$107,105
PVS Chemicals Inc.	\$13,728	\$45,000	\$25,000	\$16,622	\$26,000	\$80,000	\$206,350
Reilly Industries Inc.	\$2,000	\$1,000	--	--	--	--	\$3,000
Roche Group	\$7,650	\$8,375	--	\$36,400	\$5,970	\$1,702	\$60,097
Rohm & Haas Co.	\$4,500	\$1,250	--	\$250	\$1,895	--	\$7,895
RT Vanderbilt Co. Inc.	--	--	--	\$9,750	\$2,000	--	\$11,750
Shell Oil Co.	\$25,650	\$21,800	--	\$17,000	\$10,650	\$2,420	\$77,520
Shepherd Chemical Co.	\$2,000	\$10,250	--	--	--	--	\$12,250
Solutia Inc.	\$6,508	--	--	\$2,000	--	--	\$8,508
Solvay America Inc.	\$6,250	\$26,000	--	\$2,200	--	--	\$34,450
Stepan Co.	\$4,000	\$1,000	--	\$750	\$4,500	\$1,000	\$11,250
Sumitomo Chemical America Inc.	\$1,000	--	--	--	--	--	\$1,000
Sunoco Inc.	\$1,400	\$333,761	--	\$36,710	\$9,550	--	\$381,421
Texas Brine Co.	\$2,000	\$250	--	--	--	--	\$2,250
UOP	--	\$1,250	--	\$500	--	--	\$1,750

Company/ Organization	Election Cycle						Total
	2000		2002		2004		
	Bush	RNC	Inaug.	RNC	Bush	RNC	
Vulcan Chemicals	\$39,550	\$4,800	--	\$2,250	\$25,450	\$2,125	\$74,175
WR Grace & Co.	\$1,750	\$57,800	--	\$1,800	--	--	\$61,350
<b>Total</b>	<b>\$560,384</b>	<b>\$3,543,100</b>	<b>\$887,500</b>	<b>\$2,091,792</b>	<b>\$567,733</b>	<b>\$434,087</b>	<b>\$8,084,596</b>

*Source:* Public Citizen analysis of data provided by the Center for Responsive Politics. Totals include contributions from political action committees and individual members or employees of an organization, as well as unrestricted "soft money" donations from individuals and corporate treasuries before the 2004 election cycle (when such donations became illegal). Contribution data are as of October 1, 2004.

**Figure 5**  
**Chemical Industry Lobbying by Company, 2002-2004**

<b>Company/Organization</b>	<b>2002</b>	<b>2003</b>	<b>2004*</b>	<b>Total</b>
American Chemistry Council (ACC)	\$2,120,000	\$2,140,000	\$2,500,000	\$6,760,000
American Petroleum Institute (API)	\$3,040,000	\$3,140,000	n/a	\$6,180,000
Ashland Inc.	\$1,200,000	\$1,600,000	n/a	\$2,800,000
Atofina Chemicals Inc.	\$240,000	\$100,000	\$80,000	\$420,000
BASF Corp.	\$240,000	\$560,000	\$220,000	\$1,020,000
Bayer Corp.	\$1,581,767	\$1,520,000	\$820,000	\$3,921,767
Celanese	\$220,000	\$210,000	\$80,000	\$510,000
ChevronTexaco Corp.	\$4,820,000	\$4,620,000	\$2,920,000	\$12,360,000
Ciba Specialty Chemicals	\$260,000	\$280,000	\$140,000	\$680,000
Dow Chemical Co.	\$1,800,000	\$1,800,000	900,000	\$4,500,000
Dow Corning Corp.	\$20,000	--	--	\$20,000
DuPont	\$800,000	\$800,000	\$680,000	\$2,280,000
Eastman Chemicals	\$640,000	\$640,000	\$320,000	\$1,600,000
Ethyl Corp.	\$20,000	--	--	\$20,000
ExxonMobil	\$2,469,313	\$8,372,729	\$7,660,000	\$18,502,042
FMC Corp.	\$1,600,000	\$772,280	\$450,000	\$2,822,280
Halliburton	\$300,000	\$300,000	--	\$600,000
Honeywell	--	\$5,200,000	\$2,340,000	\$7,540,000
Kerr-McGee	\$1,190,000	\$1,160,000	n/a	\$2,350,000

<b>Company/Organization</b>	<b>2002</b>	<b>2003</b>	<b>2004*</b>	<b>Total</b>
Marathon Oil	\$3,660,000	3,360,000	\$1,780,000	\$8,800,000
MeadWestvaco Corp.	\$400,000	\$420,000	--	\$820,000
Nalco	\$120,000	\$100,000	n/a	\$220,000
Occidental Petroleum	\$2,132,725	\$2,026,269	\$1,041,526	\$5,200,520
Praxair Inc.	\$220,000	--	--	\$220,000
Rohm & Haas Co.	\$200,00	\$200,000	n/a	\$400,000
Shell Oil Co.	\$6,162,182	\$4,535,101	\$510,160	\$11,207,443
<b>TOTAL</b>	<b>\$35,455,987</b>	<b>\$43,856,379</b>	<b>\$21,621,686</b>	<b>\$101,754,052</b>

Source: Public Citizen analysis of lobby disclosure reports filed with the Secretary of the Senate and Clerk of the House, 2002-2004. Dollar amounts reflect the total federal lobbying expenditures by companies and organizations during reporting periods in which they lobbied on the Corzine bill and chemical plant security issues. Lobby disclosure reports do not itemize expenditures for specific lobbying issues or bills.

\* Totals include lobbying through June 30, 2004. As of October 1, mid-year 2004 lobby disclosure forms were unavailable for the American Petroleum Institute and four members of the ACC that lobbied on chemical industry security issues in prior years.

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Gerry Poje, member, U.S. Chemical Safety and Hazard Investigation Board,

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Carl Prine, reporter, Pittsburgh Tribune Review

## Endnotes

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- <sup>44</sup> Little retired in 2000 and is a former member of the Board of Directors of the American Petroleum Institute.
- <sup>45</sup> Webber retired in 2002.
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- <sup>47</sup> For a complete list of Super Rangers, see [http://www.whitehouseforsale.org/documents/081604Sup\\_Name.pdf](http://www.whitehouseforsale.org/documents/081604Sup_Name.pdf).
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