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May 4, 2009

The Honorable Ronald Kirk
United States Trade Representative
Office of the U.S. Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Kirk,

Please accept this request for you to consider removing the category of "Bulk storage of liquids or gases" from the GATS settlement in the Antigua gambling case before the WTO.

To give you some context, I represent the Sixth Bristol District in Massachusetts, which includes the north end of Fall River, as well as the town of Berkley and the village of Assonet in Freetown. Particularly relevant to this issue is that Hess LNG/Weaver's Cove energy has proposed placing an LNG tanker terminal in my district in Fall River. The site of the proposed LNG terminal would have a 200,000 cubic meter tank and would sit a mere 1,000 feet from the nearest residential neighborhood; an estimated 9,000 people live within one mile of the proposed site, many of the closest on dead-end streets.

As I am sure you are aware, the consequences of an LNG tank breach, either as the result of mechanical failure, human error, or as an act of terrorism, in such a densely populated area would be catastrophic. The nearest residents are well within the zone of extreme danger, as outlined in the government-commissioned Sandia Report and explained by a number of experts, such as Dr. Jerry Havens (chemical engineer, LNG expert, and director of the Chemical Hazards Research Center at the University of Arkansas) and Richard Clarke (former special advisor to the National Security Council). I have enclosed a report that my office has prepared summarizing some of these arguments, for your review. (This report was originally prepared to support state legislation that I sponsored and that was passed into law requiring a 5,000 foot buffer zone between LNG import terminal tanks and residences.)

In the interest of the safety of my constituents, I am opposed to this project, and have been opposed since the beginning; however, this is not the reason that I am writing to you today. I am asking that provisions governing the siting of LNG storage facilities be removed from the GATS because I believe that decisions that carry such potentially harmful consequences should be left to the domestic

policymakers and agencies; this authority should not effectively be ceded to an extra-national body, such as the World Trade Organization. I fear that the inclusion of the "Bulk storage of liquids or gases" provision will essentially strip states of any regulatory authority and leave the people vulnerable to significant harm.

A proposal like that of Hess LNG/Weaver's Cove must comply with both federal and state law (in this case, the state Constitutions of Massachusetts and Rhode Island, and the general laws of Massachusetts and Rhode Island). Said laws were enacted by the will of the people according to a constitutional process.

In addition, such a project must pass through the review processes of agencies such as FERC, the Massachusetts Energy Facilities Siting Board, and the Massachusetts Environmental Policy Act. These review processes are in place so that the suitability of such projects can be properly evaluated with regard to safety, need, environmental impact, etc. by individuals familiar not only with domestic state and federal statutes, but who also have knowledge of the area that will be impacted by such a project.

It would be wrong to relinquish our rights and our duties as elected officials, at the local, state, or federal level, especially regarding an issue as potentially dangerous as the siting of LNG import terminals, and especially in the post-9/11 world we live in today. From local zoning ordinances to state statutes to federal commissions, elected officials should share in ultimately determining these outcomes, and not an organization for whom the safety of the American people might not be of concern.

I fear that the ultimate result of the inclusion of the "Bulk storage of liquids or gases" to the GATS would be the elimination of federal, state, and local governing bodies having a say in the siting of these potentially very dangerous LNG facilities. In conclusion, I ask you once again to remove the category of from the GATS settlement in the Antigua gambling case.

Sincerely,



David B. Sullivan
State Representative
6th Bristol District

Enc: H.2383 Report

CC: President Barack Obama
Senator Edward Kennedy
Senator John Kerry
Congressman Barney Frank
Congressman James McGovern
Chairman Joseph Lieberman, Senate Committee on Homeland Security & Governmental Affairs
Chairman Jeff Binghman, Senate Committee on Energy and Natural Resources

Chairman Henry Waxman, House Committee on Energy and Commerce
Chairman Bennie Thompson, House Committee on Homeland Security
Secretary Hillary Clinton, United States Department of State
Secretary Steven Chu, United States Department of Energy
Secretary Janet A. Napolitano, United States Department of Homeland Security
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