

STILL AT RISK:

Protecting New Jersey Jobs, Families,
and Hometowns From Toxic Chemical Disasters



A Report Prepared by the
New Jersey Work Environment Council (WEC)
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The New Jersey Work Environment Council is an alliance of 70 labor, community, and environmental organizations working together for safe, secure jobs, and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing, and public policy campaigns to promote dialogue, collaboration, and joint action.

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1. SUMMARY

Seven years after the terrorist attacks of September 11, 2001, reports by industries that use highly hazardous chemicals to government agencies reveal that 97 New Jersey sites pose a potential catastrophic safety and health risk to workers and/or the public if there was a worst-case toxic release caused by an accident or deliberate attack.

These facilities are located in 19 of New Jersey's 21 counties. They include chemical plants, oil refineries, sewage and water treatment works, bulk chemical handling and storage terminals, and food processing facilities.

Since 2006, when WEC first publicly disclosed off-site consequence information, fifteen New Jersey facilities have reported improvements to decrease their vulnerability to an accident or attack. As a result, over 1.2 million people working in and/or living near these facilities are safer. These facilities include a paper mill and an oil refinery.

Unfortunately, eleven facilities, mostly chemical plants, reported *increases* in the number of people at risk from a catastrophic toxic release.

Since 2006, New Jersey has adopted important public policies to improve safety and security at industrial facilities. However, despite New Jersey's forward steps, and without effective federal regulation, our state's industrial facilities are still at risk.

Therefore, the Corzine Administration's Department of Environmental Protection (DEP) should adopt additional regulations to require facility management:

- to actually adopt *feasible* inherently safer technology, not just review its potential for adoption, as recent rules specify.
- to have an annual public meeting, upon petition from neighbors and/or workers, to address health, safety, environmental, emergency response, and sustainability concerns.
- to effectively inform area residents what specific steps they should take if there is a toxic or flammable release.
- to ensure transparency, so workers, the public, emergency responders, and elected officials have a right to know about potential toxic dangers posed by facilities in their communities *and* steps taken to reduce risks.

Further, DEP should determine whether disinvestment and downsizing by the chemical industry increases dangers to workers and communities. Unfortunately, the Corzine Administration and its Department of Environmental Protection has largely rejected these recommendations to date.

This report updates WEC's 2006 report, *Safety and Security First: Protecting Our Jobs, Families, and Hometowns from Toxic Chemical Disasters*. This report reveals data reported by facility management to DEP under the state's *Toxic Catastrophe Prevention Act* (TCPA) program and to the U.S. Environmental Protection Agency (EPA) under federal *Clean Air Act* (CAA) Section 112 (r).

Both TCPA and CAA require plants that use large quantities of extraordinarily hazardous substances to develop comprehensive Risk Management Plans (RMPs).¹ RMPs are designed to protect workers and communities by preventing catastrophic toxic and flammable releases. These plans cover standard operating procedures, safety reviews, preventive maintenance, operator training, accident investigation, risk assessment, emergency response, and management of changing conditions. Under TCPA, management must also evaluate whether they can adopt “inherently safer technology” (IST). However, they are not actually required to adopt IST. (The deadline for IST review submission to DEP was September 2, 2008. WEC plans to review these evaluations if they become publicly available).

TCPA and CAA Section 112 (r) also require RMP information to be publicly available. Prior to September 11, 2001, much of this data was available online. Since then, however, interested parties must visit federal or state “reading rooms” to review RMPs. This report is based on WEC’s review of these records.²

The following are key points of WEC’s analysis:

- **There are five New Jersey facilities at which a worst-case release of toxic chemicals could place at risk any of more than two million people living in the vulnerability zone.** These facilities include chemical manufacturers and an oil refinery.

A worst-case chemical release from the potentially most hazardous of these facilities, located in Hudson County, could harm up to an estimated 12 million people in New Jersey and large portions of New York City. Another facility, located in Salem County, reported that a potential release could harm up to two million residents and extend 25 miles into downtown Philadelphia.

- **There are 12 New Jersey facilities at which a worst-case release of toxic chemicals could place at risk more than 100,000 people.** These facilities are located in Burlington, Gloucester, Hudson, Middlesex, Salem, and Union counties.
- **The most dangerous chemicals reported by New Jersey’s top 15 high-hazard facilities are chlorine, hydrofluoric acid, anhydrous ammonia, hydrochloric acid, ethylene oxide, titanium tetrachloride, and vinyl acetate monomer.** Each of these toxic chemicals, under certain conditions, can form a highly hazardous

¹ TCPA covers facilities if they handle, use, manufacture, store or have the capability of generating an “extraordinarily” hazardous substance at certain specified quantities. For a list of these substances, see *Toxic Catastrophe Prevention Act, Section 7:31-6.3, Table 1A*. CAA Section 112 (r) covers a very similar, though slightly different universe of facilities using “extremely” hazardous substances. For a list of these substances, see EPA, Office of Solid Waste and Emergency Response. *List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act: CEPCRA Section 302 Extremely Hazardous Substances*. <http://www.epa.gov/ceppo/pubs/title3.pdf>.

² For this report, WEC visited EPA’s Reading Room in Edison and DEP’s TCPA program Reading Room in Trenton.

cloud that can drift downwind, enveloping neighborhoods, schools, hospitals, adjacent industrial facilities, or other public areas. Three of the top five facilities report chlorine gas as their most acutely hazardous chemical.

New Jersey workers and residents have reason to be wary about the chemicals that surround us. In 2007, over 1.5 billion pounds of hazardous substances were brought into or manufactured in New Jersey.³ Despite serious efforts by some facility management to reduce risks from both intentional and unintentional incidents, this WEC report shows that seven years after 9/11, millions of New Jersey workers and residents remain at risk from a worst-case toxic release.

New Jersey's extensive port and transportation infrastructure provides an ideal location for chemical industry operations and this industry provides many decent-paying jobs essential to the state's economy.⁴ While companies may be considering safer production measures, they continue to use large quantities of extraordinarily hazardous substances. New Jersey needs further regulation to protect workers, communities, and the environment from a potential catastrophic disaster.

During his campaign for Governor, Jon Corzine said, "Without basic safety and security, everything else we care about is at risk." WEC thanks Governor Corzine for the policies enacted to date by his Administration and urges him to take further action to ensure chemical safety and hometown security.

³ EHS use for 2007 as reported to the NJ DEP Right to Know Program.

⁴ According to the NJ Chemistry Council website, the chemical industry employs 72,216 people in New Jersey; <http://www.chemistrycouncilnj.org/about/index.asp>; August 28, 2008.

2. FINDINGS: FACILITIES POSING “WORST CASE THREATS”

The threat of a catastrophic chemical release remains a major vulnerability for New Jersey: millions of people remain at risk from 97 facilities located in 19 of our 21 counties. Facility management documents this problem through their own reports:

- There are five New Jersey facilities at which **more than two million people live in the potential area of a worst-case toxic chemical release.** These facilities include chemical manufacturers and an oil refinery. For example, the Valero refinery in Paulsboro, Gloucester County, is the only oil refinery in New Jersey that uses dangerous hydrofluoric acid. Other petroleum refineries in New Jersey use much safer processes.
- A worst-case chemical release from the most potentially hazardous of these facilities, Kuehne Chemical, in South Kearny, Hudson County, could cause serious harm in an area where 12 million people live in New Jersey and portions of New York City. A chlorine release from Kuehne could impact a radius extending into Manhattan, Staten Island and Brooklyn, as well as into the Northern New Jersey counties of Hudson, Essex, Bergen, Union and Passaic. (Kuehne management seeks \$50 million in public funds for a facility conversion to on-site chlorine generation. This would eliminate the use of railcars, as they did at their Delaware plant, and dramatically reduce the risk of this facility. They have been unsuccessful in obtaining public funds.)
- New York City is not the only major metropolitan area at risk. Philadelphia is within the worst-case scenario radius of a potential release of chlorine from the DuPont Chambers Works in Deepwater, Salem County. According to DuPont, such a release could harm up to two million residents within 25 miles extending into downtown Philadelphia.
- Twelve New Jersey facilities could potentially harm up to 100,000 or more residents in the event of a worst-case chemical release. These facilities are in Burlington, Gloucester, Hudson, Middlesex, Salem, and Union counties.

New Jersey’s high population density places a large number of people at potential risk from a toxic incident. New Jersey is the most densely populated state in the country, nestled between New York City and Philadelphia, and has one of the highest ratios of toxic facilities per square mile in the nation.^{5,6}

⁵ US Census Bureau.

⁶ Toxic Release Inventory, US EPA. This statistic is based on 2007 reports under the TRI Program, which covers 487 New Jersey facilities.

Why WEC Discloses This Information

In this and previous reports, WEC decided to disclose the names of facilities using or storing specific extraordinarily hazardous substances and the municipalities which host these facilities. Since September 11, 2001, much of this information, which was previously available to workers and the public via the Internet, was withdrawn and made available only in public reading rooms. Risk Management Plans (RMPs), which form the basis of this report, were among the first documents withdrawn from the Internet.

Industry argues that information in RMPs, if made public, can be used by terrorists. However, WEC maintains that RMPs, along with other data available under federal and state right-to-know laws, are intended to improve the safety of or help protect workplaces and communities not only from terrorism, but from “unintentional” incidents – the chemical releases, fires, and explosions that each year claim lives across the nation.

WEC’s disclosure of chemical dangers is limited to the facilities’ potential harm to surrounding communities. This report does not include data about any specific security vulnerability or how to cause a chemical release.

WEC believes that this report can help to save lives. Attempting to hide data about potential risks will not succeed nor will it make those risks go away. Industrial-scale chemical hazards – including rail cars transporting chemicals – cannot be hidden. As Sidney J. Casperson, former director of the state’s Office of Counterterrorism said, there is greater risk in remaining silent and failing to fix the problem. According to Casperson: “The terrorists already know what’s out here. They have been found with blueprints of our buildings, and a lot of the information is available over the Internet or at a public library. The only question is whether we will find a way to protect these targets before they find a way to attack them.”⁷

⁷ *New York Times*, May 9, 2005.

TABLE I "WORST CASE" POTENTIAL OF FACILITIES IN NEW JERSEY

The table below ranks New Jersey facilities by population size living within the area where a worst-case toxic or flammable release could potentially cause death or serious injury.⁸ This data does not mean that all people in the danger (vulnerability) zone would be seriously injured or killed. However, this data does reflect the potential magnitude of the threat.

Facility Name	Location	Extraordinarily Hazardous Substance	Danger Zone (Miles)	Population in Danger Zone
Kuehne Chemical Company, Inc.	South Kearny	Chlorine	14	12,000,000
Infineum USA, L.P.	Linden	Chlorine	14	4,200,000
Solvay Solexis, Inc.	Thorofare	Hydrofluoric acid	25	4,165,831
Valero Refining Company	Paulsboro	Hydrofluoric acid (conc. 50% or greater)	19	3,170,000
DuPont Chambers Works	Deepwater	Chlorine	25	2,000,000
Hercules Incorporated	Parlin	Ethylene oxide	7.8	527,200
DuPont Performance Elastomers - Chambers Works	Deepwater	Hydrochloric acid	13	500,000
New York Terminals, LLC	Elizabeth	Ammonia (anhydrous)	5	485,000
Basell USA	Edison	Titanium tetrachloride	6.2	404,046
Ferro Delaware River Plant	Bridgeport	Chlorine	7.5	240,000
National Casein	Riverton	Vinyl acetate monomer	3.4	166,000
Bayonne Plant Holding, L.L.C.	Bayonne	Ammonia (anhydrous)	2.13	112,728
Wacker Polymers, L.P. (fmr. Air Products Polymers)	Dayton	Vinyl acetate monomer	5.35	77,000
Farmland Dairies, LLC	Wallington	Ammonia (anhydrous)	1.2	54,000
Mallinckrodt Baker, Inc.	Phillipsburg	Ammonia (anhydrous)	2.3	52,535
CVC Specialty Chemicals, Inc.	Maple Shade	Epichlorohydrin	2.2	43,297
State Metal Industries, Inc.	Camden	Chlorine	1.3	34,104
* Siegfried (USA), Inc.	Pennsville	Thionyl chloride	3.6	31,663
Tropicana Northeast Operations	Jersey City	Ammonia (anhydrous)	0.97	20,000
Conoco-Phillips	Linden	Flammable Mixture	1.4	18,000
BASF Corporation	Washington	Ethylene oxide	3.58	17,334
Nestle USA - Beverage Division, Inc.	Freehold	Ammonia (anhydrous)	1.5	17,000
NJ American Water - Jumping Brook Water Treatment Plant	Neptune	Chlorine	1.3	12,400
NJ American Water - Delaware River Regional WTP	Delran	Chlorine	1.3	12,000

⁸ Danger zone figures are not forecasts of casualties. Not everyone in the danger zone would likely be harmed in the event of a worst-case release.

Bridor USA	Vineland	Ammonia (anhydrous)	2.6	11,639
* E.I. DuPont Morse Mill Sulfuric Acid Plant	Linden	Sulfur trioxide	1.39	10,400
Air Liquide America Specialty Gases (fmr. Scott Specialty Gases)	South Plainfield	Chlorine	1.3	10,160
Grasso Foods, Inc.	Woolwich Twp	Ammonia (anhydrous)	3.1	10,000
* Passaic Valley Water Commission - Little Falls Water Treatment Plant	Totowa	Ozone (gas)	1.1	10,000
* IQE RF, LLC (fmr. Emcore)	Somerset	Arsine	1.6	8,400
Garelick Farms	Florence	Ammonia (anhydrous)	1.25	7,463
Lubrizol Advanced Materials, Inc. (fmr. Noveon, Inc)	Pedricktown	Acrylonitrile	3.1	7,100
Johanna Foods, Inc.	Flemington	Ammonia (anhydrous)	1.5	6,893
Brick Township MUA	Brick	Chlorine	0.9	6,654
North Jersey Water Supply Comm. - Chemical Building/ Filtration Plant	Wanaque	Chlorine	1.3	6,000
Sunoco Eagle Point Refinery	Westville	Flammable Mixture	1.1	6,000
NJ American Water - Canoe Brook Station	Short Hills	Chlorine	1.3	5,700
* Ocean Spray Cranberries, Inc.	Bordentown	Ammonia (anhydrous)	0.86	5,700
NJ American Water - Swimming River Water Treatment Plant	Tinton Falls	Chlorine	1.3	4,800
United Water NJ Haworth Water Treatment Plant	Haworth	Ammonia (anhydrous)	0.6	3,760
Fisher Scientific Company, L.L.C.	Bridgewater	Chloroform	0.7	3,600
W.R. Grace & Company	Edison	Titanium tetrachloride	0.9	3,400
Readington Farms, Inc.	Whitehouse	Ammonia (anhydrous)	1.2	3,137
Kinder Morgan	Carteret	Vinyl acetate monomer	0.62	3,008
Johnson Matthey, Inc.	West Deptford	Chlorine	1.3	2,900
Seabrook Brothers & Sons, Inc.	Seabrook	Ammonia (anhydrous)	1.4	2,200
Colorite Specialty Resins (Tekni-Plex)	Burlington	Vinyl chloride (flammable)	0.51	1,700
Oxy Vinyls, LP	Pedricktown	Ammonia (anhydrous)	1.8	1,195
City of Newark - Pequannock Water Treatment Plant	West Milford	Chlorine	1.3	1,100
PolyOne Corporation	Pedricktown	Ammonia (anhydrous)	1.2	950
** Ronson Consumer Products Corporation	Woodbridge Township	Isobutane (flammable)	0.4	800
* Spectra Gases, Inc.	Alpha Boro	Fluorine	0.6	719
Aeropres Corporation	Hillsborough	Butane (flammable)	0.5	700
Voltaix, Inc.	North Branch	Diborane	0.8	695
* Stepan Company	Fieldsboro	Sulfur trioxide	1.07	564

* Mobil Chemical Company	Edison	Di-tert-butyl peroxide (flammable)	0.48	563
* McLane Company, Inc.	Carneys Point	Ammonia (anhydrous)	1.4	501
City of Trenton Water Works	Trenton	Chlorine	0.2	446
Dow Chemical	Pennsauken	Pentane (flammable)	0.4	434
DuPont	Parlin	Acrylonitrile	0.22	376
* Geo Specialty Chemicals	Gibbstown	Cumene hydroperoxide (flammable)	0.27	250
Muralo Company, Inc.	Bayonne	Vinyl acetate monomer	0.1	155
** Hoeganaes Corporation	Cinnaminson	Propane (flammable)	0.39	144
Casa Di Bertacchi Corporation	Vineland	Ammonia (anhydrous)	0.6	140
Amerada Hess Corp Refining	Port Reading	Flammable Mixture	0.16	134
Crest Foam Industries Incorporated	Moonachie	Toluene diisocyanate (unspecified isomer)	0.1	84
* NJ American Water/Canal Road Water Treatment Plant	Somerset	Ozone (gas)	0.5	69
Air Products and Chemicals, Inc.	Paulsboro	Toluene diisocyanate (unspecified isomer)	0.1	52
Cardolite Corporation	Newark	Epichlorohydrin	0.6	46
LaBrea Bakery	Swedesboro	Ammonia (anhydrous)	0.65	31
Ashland Specialty Chemical Co.	Kearny	Cyclohexylamine	0.07	20
EMC Packaging, Inc.	Lakewood	Difluoroethane (flammable)	0.2	16
Diversified CPC International, Inc.	Sparta	Isobutane (flammable)	0.42	10
Falcon Safety Products, Inc.	Somerville	Difluoroethane (flammable)	0.28	10
** Crest Foam	Edison	Toluene diisocyanate (unspecified isomer)	0.2	8
** American Spraytech, LLC	North Branch	Butane (flammable)	0.2	8
Coim USA, Inc.	West Deptford	Toluene diisocyanate (unspecified isomer)	0.4	5
Cape May County MUA, Wildwood/Lower Region	Rio Grande	Chlorine	0.55	0
** Linden LPG Storage Facility	Linden	Propane (flammable)	0.52	0
GTS Welco (Praxair)	Newark	Propane (flammable)	0.4	0
Elan Incorporated	Newark	Ethyl chloride (flammable)	0.3	0
Church & Dwight Company, Inc.	Lakewood	Flammable Mixture	0.28	0
Tekni-Plex, Inc. - Somerville	Branchburg	Difluoroethane (flammable)	0.2	0
Cogen Technologies	Linden	Ammonia (conc 20% or greater)	0.2	0

Carl J. Olsen Water Treatment Plant (Middlesex Water Company)	Edison	Chlorine	0.15	0
** DSM Nutritional Products, Inc.	Belvidere	Chloroform	0.14	0
Ferro Corporation	South Plainfield	Formaldehyde (solution)	0.13	0
Reckitt Benckiser	Belle Mead	Isobutane (flammable)	0.12	0
Benjamin Moore & Company	Newark	Vinyl acetate monomer	0.11	0
VWR International	Bridgeport	Hydrochloric acid (conc. 37% or greater)	0.1	0
PSEG Fossil, LLC - Mercer Generating Station	Hamilton	Ammonia (conc 20% or greater)	0.1	0
Deltech Resin Company (fmr. Adco Chemical Company)	Newark	Toluene diisocyanate (unspecified isomer)	0.1	0
Carneys Point Generating Co., L.P.	Carneys Point	Ammonia (conc 20% or greater)	0.09	0
Logan Generating Co., L.P.	Swedesboro	Ammonia (conc 20% or greater)	0.07	0
* Spectrum Chemicals & Laboratory Products	New Brunswick	Nitric Acid	0.01	0
Foamex	East Rutherford	Toluene diisocyanate (unspecified isomer)	0.01	0
** Church & Dwight Co., Inc.	North Brunswick	Flammable Mixture	0.01	0

* Facility regulated under N.J. *Toxic Catastrophe Prevention Act* but not federal *Clean Air Act*.

** Facility regulated under federal *Clean Air Act* but not N.J. *Toxic Catastrophe Prevention Act*.

Source: Review of Risk Management Plans (RMPs) filed under Section 112 (r) of the federal *Clean Air Act* as of September 18, 2008, and under the NJ *Toxic Catastrophe Prevention Act* as of September 9, 2008.

TABLE II DISTRIBUTION OF FACILITIES BY COUNTY

Every New Jersey County, with the exception of Atlantic and Morris, has at least one facility regulated by the NJ Toxic Catastrophe Prevention Program or the EPA under *Clean Air Act* Section 112(r).

The distribution of these facilities by county is as follows:

Atlantic	0
Bergen	4
Burlington	8
Camden	2
Cape May	1
Cumberland	3
Essex	7
Gloucester	12
Hudson	5
Hunterdon	2
Mercer	2
Middlesex	14
Monmouth	3
Morris	0
Ocean	3
Passaic	3
Salem	8
Somerset	9
Sussex	1
Union	6
Warren	4
Total	97

Source: New Jersey Department of Environmental Protection, Toxic Catastrophe Prevention Program, and EPA Risk Management Plan database, September 2008.

TABLE III - FACILITIES REPORTING AN INCREASE IN THE NUMBER OF PEOPLE THAT COULD POTENTIALLY BE HARMED OR INJURED IN A CATASTROPHIC RELEASE SINCE 2006.

Facility Name	Location	Extraordinarily Hazardous Substance	2006		2008	
			Danger Zone (Miles)	Population in Danger Zone	Danger Zone (Miles)	Population in Danger Zone
Hercules Incorporated	Parlin	Ethylene oxide	7.8	410,000	No Change	527,200
National Casein	Riverton	Vinyl acetate monomer	0.05	0	3.4	166,000
CVC Specialty Chemicals, Inc.	Maple Shade	Epichlorohydrin	2.2	14,100	No Change	43,297
BASF Corporation	Washington	Ethylene oxide	2.53	12,000	3.58	17,334
Seabrook Brothers & Sons, Inc.	Seabrook	Ammonia (anhydrous)	1.4	1,200	No Change	2,200
Voltaix, Inc.	North Branch	Diborane	0.46	246	0.8	695
* Mobil Chemical Company	Edison	Di-tert-butyl peroxide (flammable)	0.45	259	0.48	563
* McLane Company, Inc.	Carneys Point	Ammonia (anhydrous)	1.3	422	1.4	501
Dow Chemical	Pennsauken	Pentane (flammable)	0.3	174	0.4	434
* Geo Specialty Chemicals	Gibbstown	Cumene hydroperoxide (flammable)	0.21	150	0.27	250
Muralo Company, Inc.	Bayonne	Vinyl acetate monomer	0.1	60	No Change	155
Totals:				438,611		758,629

* Facility regulated under N.J. *Toxic Catastrophe Prevention Act* but not federal *Clean Air Act*.

TABLE IV - FACILITIES REPORTED A DECREASE IN THE NUMBER OF PEOPLE THAT COULD POTENTIALLY BE HARMED OR INJURED IN A CATASTROPHIC RELEASE SINCE 2006.

Facility Name	Location	Extraordinarily Hazardous Substance	2006		2008	
			Danger Zone (Miles)	Population in Danger Zone	Danger Zone (Miles)	Population in Danger Zone
Schweitzer-Mauduit International, Inc.	Spotswood	Chlorine	14	1,100,000	0	0
Camden Water - Morris-Delair WTP	Pennsauken	Chlorine	1.3	4,400	0	0
IMTT	Bayonne	Butane (flammable)	0.43	6,700	0	0
* Spectrum Chemicals & Laboratory Products	New Brunswick	Nitric Acid	0.4	1,000	0.1	0
Middlesex Water Company - Carl J. Olsen Water Treatment Plant	Edison	Chlorine	1.3	27,000	0.15	0
Cape May County MUA - Wildwood/Lower Region	Rio Grande	Chlorine	3	16,621	0.55	0
* Lubrizol Dock Resins	Linden	Reactive mixture	0.17	110	0	0
EMC Packaging, Inc.	Lakewood	Difluoroethane (flammable)	0.23	20	0.2	16
LaBrea Bakery	Swedesboro	Ammonia (anhydrous)	1.2	2,065	0.65	31
Casa Di Bertacchi Corporation	Vineland	Ammonia (anhydrous)	0.9	770	0.6	140
City of Trenton Water Works	Trenton	Chlorine	1.3	34,963	0.2	446
* Stepan Company	Fieldsboro	Sulfur trioxide	2.2	7,187	1.07	564
Kinder Morgan	Carteret	Vinyl acetate monomer	0.73	10,000	0.62	3,008
Sunoco Eagle Point Refinery	Westville	Flammable Mixture	1.33	10,230	1.1	6,000
Wacker Polymers, L.P.	Dayton	Vinyl acetate monomer	5.6	112,255	5.35	77,000
Totals:				1,333,321		87,205

* Facility regulated under N.J. *Toxic Catastrophe Prevention Act* but not federal *Clean Air Act*.

Because of changes made by these facilities, 1,246,116 people living near these facilities are safer from a potential toxic release. For example, the Camden Water – Morris Delair water treatment plant completely eliminated the use of chlorine for water treatment, substituting a much safer sodium hypochlorite solution.

CHLORINE – A HAZARD WITH MANY ALTERNATIVES

At three of the top five sites reporting the worst potential toxic release – all in areas potentially affecting up to two million or more residents – the most hazardous chemical is chlorine. Chlorine gas poses great potential for harm to human health through acute (short-term) exposure. It is an extremely corrosive gas that can burn skin, eyes, nose, throat, lungs, even teeth – and exposure can be fatal.⁹

Chlorine leaks and fires are a serious safety and health threat to both workers and the public. As a gas, chlorine is stored under pressure and has the potential to leak. Chlorine containers may also explode and release poisonous gases during fires.

In June 2007, Homeland Security Secretary Michael Chertoff asked water and wastewater treatment plants storing chlorine gas to remain vigilant and increase security. Thefts of chlorine tanks had been reported in California and car bombs loaded with chlorine tanks have been used in terror attacks in Iraq. He warned that “...the consequences of ignoring risks...will be quite severe.”¹⁰

New Jersey chemical manufacturers used 145,136,885 pounds of chlorine in 2007, according to the state Department of Environmental Protection.¹¹ An unknown amount also moved through the state’s labyrinth of rail lines – the primary mode of shipping chlorine. Railroads across the country carry about 45,000 carloads a year, according to federal estimates.¹²

More than any other chemical used in New Jersey, chlorine highlights the dangers of both unintentional or intentional chemical incidents. However, the drastic reduction of chlorine use at a New Jersey paper mill demonstrates how management can successfully adopt inherently safer technology (See page 14).

FINDING SOLUTIONS

There are many ways to eliminate the dangers of chlorine use. Five of the fifteen facilities reporting a decrease in the number of people that could be harmed in a catastrophic release have replaced chlorine with a safer alternative or changed operations to reduce the risk. Companies can produce chlorine on site in small quantities as needed, such as the Schweitzer-Maduit paper mill. Or safer chemicals can be substituted. Nearly 300 water and wastewater treatment plants in New Jersey have switched to safer processing methods using UV radiation, ozone, or sodium hypochlorite for disinfection. For example, the Middlesex County Utilities Authority wastewater treatment facility in Sayreville, N.J., formerly had a danger zone encompassing some 10.7 million people, which was eliminated when the facility switched to liquid bleach disinfection.

⁹ *Hazardous Substance Fact Sheet: Chlorine*, New Jersey Department of Health and Senior Services.

¹⁰ “Chertoff warns treatment plants about chlorine,” by Carol Eisenberg, *Newsday*, June 12, 2007.

¹¹ Chlorine use for 2007 as reported to the NJ DEP Right to Know Program.

¹² *New Strategies to Protect America: Terrorism and Mass Transit Alter London and Madrid*, Bill Johnstone, Center for American Progress, August 10, 2005.

Steelworkers Protect 1.1 Million People as Paper Mill Ends Bulk Chlorine Use

Up to 1.1 million people are safer and more secure because of United Steelworkers (USW) Local 1482's efforts to end bulk chlorine use at Schweitzer-Mauduit's paper mill in central New Jersey. The union's accomplishment protects both its 240 members and surrounding communities from the lethal consequences of a terrorist attack or major accident.

Until June 2007, 90-ton chlorine railcars rolled through the Middlesex County town of Spotswood to the plant, where the chemical was used to bleach paper. The company's own off-site consequence report to the U.S. EPA revealed that a worst-case chlorine release could have endangered up to 1.1 million people within 14 miles. Chlorine exposure burns the eyes and skin and breathing chlorine can be deadly. One hundred thousand people could be killed or injured in the first 30 minutes of a chlorine release from a tank car in a populated area, according to the U.S. Naval Research Laboratory. Before the plant ended bulk chlorine use, a 2006 WEC report found that the facility had the sixth highest potential risk of any plant regulated under the NJ *Toxic Catastrophe Prevention Act*.

But now, because of union education and action, as well as neighborhood concern, the company has installed much safer chlorine dioxide generators to replace use of bulk chlorine. This inherently safer process will end rail shipment and unnecessary storage. The company says the project cost more than \$700,000 to design and install at the 70-year-old mill. No jobs were lost or gained because of the change.

In 2005, two union representatives from Local 1482 participated in a WEC coordinated Train-the-Trainers program using the Steelworkers/Labor Institute curriculum "Chemical Security through Prevention." Training followed at the mill with 16 local leaders. During "hazard mapping," workers identified chlorine use, storage, and transport as by far the plant's greatest risk. After reading newspaper reports on the plant's chlorine use, neighbors displayed lawn signs saying, "This plant can kill a million people."

According to Steve Green, President of Local 1482, "Both the union and community had concerns. The union repeatedly urged the company to eliminate the hazard. Fortunately, they responded positively."

3. RECOMMENDATIONS

New Jersey has taken significant steps to make industries using extraordinarily hazardous substances safer and more secure. However, gaps in worker and community protection from a potential catastrophic toxic disaster remain.

WEC believes an effective approach to ensure chemical safety and security must address every aspect of a potential toxic disaster, from prevention to response. Therefore, New Jersey should address these gaps in chemical security policy:

- **Require facility management to actually adopt *feasible* inherently safer technology (IST)**, not just review its potential for adoption, as recent rules specify. Facilities are required to evaluate feasibility based on environmental, public health and safety, legal, technological and economic factors. Facilities that find *feasible* options, taking into consideration those factors, should be required to adopt IST.
- **Provide Opportunity for Community Involvement.** We urge DEP and the State Police's Office of Emergency Management to require that facility management, *upon request* by DEP, a Local Emergency Planning Committee, or 25 or more residents and/or employees, convene a community meeting to address health, safety, environmental, emergency response, and sustainability concerns.
- **Ensure that Local Emergency Plans Inform the Community.** Currently, facilities are required to develop emergency response plans to address toxic disasters and keep these plans on site. Although many facilities share these plans with emergency responders, plans are often not communicated to local residents. Therefore, neighbors do not know what specific steps to take in the event of a toxic or flammable release. Low income and people of color communities, where these facilities are often located, face language and transportation barriers. Effective plans must also address these factors.
- **Mandate Joint Employee/Employer Site Safety and Security Committees with authority to help prevent toxic releases at TCPA facilities.** Neither management nor labor can alone create a safe, healthy, or secure workplace environment. Only management has the knowledge of overall policy, and how health and safety fits into that general policy. Only workers know the specifics of their jobs and what operations are unsafe. The committees can promote cooperative attitudes that enhance labor/management cooperation and create an ethic of internal responsibility.
- **Conduct a study to determine whether disinvestment and downsizing by New Jersey's chemical industry increases dangers to workers and surrounding communities.**
- **Ensure transparency**, so workers, the public, emergency responders, and elected officials have a right to know about the potential toxic dangers posed by facilities in their communities and steps that have been taken to reduce risks.

- **Provide sufficient staff and resources for the New Jersey Department of Environmental Protection** and other government agencies to ensure effective administration and enforcement of such requirements.

During his campaign for Governor, Jon Corzine said, “Without basic safety and security, everything else we care about is at risk.” WEC thanks Governor Corzine for the important policies he has issued and urges him to address New Jersey’s continuing vulnerability to a toxic catastrophe.

4. METHODOLOGY

Report findings are based on analysis of state and federal Risk Management Plans (RMPs) examined at government reading rooms. WEC analyzed RMPs filed under two different laws:

1. NJ DEP's list of facilities regulated *only* by the NJ *Toxic Catastrophe Prevention Act* (TCPA), and NOT by federal EPA. TCPA requires regulated facilities to develop and submit for public disclosure RMPs. For a list of chemicals regulated by the NJ TCPA see *Toxic Catastrophe Prevention Act, Section 7:31-6.3, Table 1A*.

Among other elements, RMPs are required to include:

- ☞ an "offsite consequence analysis," which estimates the community impact of "worst-case scenario" and "alternative scenario" (more likely) chemical releases;
- ☞ a five-year history of accidental chemical releases;
- ☞ a prevention program; and
- ☞ an emergency response program.

2. U.S. EPA's list of facilities regulated by the *Clean Air Act* Section 112 (r), which covers a similar universe of facilities as TCPA, though slightly different. CAA 112 (r) also requires regulated facilities to develop and submit for public disclosure RMPs. For a list of substances regulated by CAA 112 (r), see EPA, Office of Solid Waste and Emergency Response. *List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act: CEPCRA Section 302 Extremely Hazardous Substances*. <http://www.epa.gov/ceppo/pubs/title3.pdf>.

APPENDIX A: DANGERS OF SELECTED EXTRAORDINARILY HAZARDOUS SUBSTANCES USED IN NEW JERSEY*

ACRYLONITRILE

Acrylonitrile is a flammable and reactive liquid, clear or slightly yellowish in color, with a faint odor. It is used to make synthetic fibers and polymers. Acute exposure irritates the eyes, nose, throat and lungs. High exposure levels can cause weakness, headache, confusion, nausea, vomiting, and collapse. At the highest exposure levels fluid build-up in the lungs (pulmonary edema) may lead to death. Chronic exposure may interfere with the thyroid gland. Acrylonitrile is a probable human carcinogen.

AMMONIA (ANHYDROUS)

Anhydrous ammonia is a corrosive colorless gas with a strong odor. It is used in refrigeration and in making fertilizer, plastics, dyes, textiles, detergents, and pesticides. Acute ammonia gas exposure can irritate the skin; burn the eyes, causing temporary or permanent blindness; and cause headaches, nausea, and vomiting. High levels can cause fluid in the respiratory system (pulmonary or laryngeal edema), which may lead to death. Chronic exposure damages the lungs; repeated exposure can lead to bronchitis with coughing or shortness of breath.

CHLORINE

Chlorine is a greenish-yellow gas with a strong, irritating odor. It is used in making other chemicals, as a disinfectant, in bleaching, and for purifying water and sewage. Acute exposure can severely burn the eyes and skin, causing permanent damage, and may cause throat irritation, tearing, coughing, nose bleeds, chest pain, fluid build-up in the lungs (pulmonary edema), and death. Chronic exposure can damage the teeth, and irritate the lungs, causing bronchitis, coughing, and shortness of breath. A single high exposure can permanently damage the lungs.

CHLOROFORM

Chloroform is a colorless liquid used in making dyes, drugs, and pesticides. Acute exposure to chloroform can irritate and burn the skin, eyes, nose, and throat, and cause dizziness, lightheadedness, headache, confusion, and irregular heartbeat which may lead to death. Chloroform probably causes cancer and may cause birth defects. Chronic chloroform exposure can damage the skin, liver, kidneys, and nervous system.

EPICHLOROHYDRIN

Epichlorohydrin is a reactive colorless liquid with a slightly irritating, chloroform-like odor. It is used to make plastics, resins, and glycerin. Acute exposure to epichlorohydrin vapor irritates the eyes, nose, bronchial tubes, and lungs. High levels can chemically burn the lungs or cause dangerous fluid build-up, which may lead to death. Eye contact may cause permanent damage, and skin contact can cause painful blistering which may be delayed in onset for minutes or hours. Chronic exposure can

damage the kidneys, liver, and lungs. Epichlorohydrin is a probable human carcinogen and may decrease fertility in males.

ETHYLENE OXIDE

Ethylene oxide is a colorless gas that is highly flammable, reactive, and explosive. It is used to make antifreeze, polyesters, and detergents, and is used for industrial sterilization. Acute exposure can irritate the eyes, skin, nose, throat, and lungs, and may cause shortness of breath, headache, nausea, vomiting, diarrhea, drowsiness, weakness, and loss of muscle control. Higher exposure levels may cause loss of consciousness, fluid in the lungs (pulmonary edema), and death. Chronic exposure to ethylene oxide may cause cancer and birth defects, as well as damage to the liver, kidneys, and nervous system.

FORMALDEHYDE

Formaldehyde is a flammable, colorless gas with a pungent, suffocating odor. It is used in manufacturing plastics and other chemicals, such as adhesive resins in particleboard, plywood, foam insulation, and other products. Acute exposure irritates and burns the skin, eyes, nose, mouth, and throat. Higher levels can cause a build-up of fluid in the lungs (pulmonary edema) or spasm in the windpipe, either of which may be fatal. Chronic exposure may cause both an asthma-like allergy and bronchitis with symptoms of coughing and shortness of breath. Formaldehyde causes cancer of the nasal passages in animals and is considered a probable human carcinogen.

HYDROGEN CHLORIDE (HYDROCHLORIC ACID)

Hydrogen chloride is a corrosive colorless to slightly yellow gas with a strong odor. It is used in metal processing, analytical chemistry, and in making other chemicals. Acute exposure to hydrogen chloride can cause severe burns of the skin and eyes, leading to permanent damage and blindness. Breathing hydrogen chloride vapor irritates the mouth, nose, throat, and lungs, causing coughing, shortness of breath, fluid build-up in the lungs (pulmonary edema), and possibly death. Chronic exposure damages the lungs and may erode the teeth.

HYDROGEN FLUORIDE (HYDROFLUORIC ACID)

Hydrogen fluoride is a corrosive colorless fuming liquid or gas with a strong irritating odor. It is used in etching glass and in making other chemicals, including gasoline. Breathing the vapor causes extreme respiratory irritation (with cough, fever, chills, and tightness) that may be fatal. Contact can severely burn the skin and eyes, resulting in permanent eye damage or blindness. Long-term exposure may damage the liver and kidneys, and causes fluorosis, with symptoms of weight loss, malaise, anemia, and osteosclerosis.

SULFUR TRIOXIDE

Sulfur trioxide is a corrosive colorless liquid that fumes in the air forming sulfuric acid vapor or mist. Its health effects in the air are essentially those of sulfuric acid (and are similar to sulfur dioxide and to oleum). Sulfur trioxide vapor can severely irritate and

burn the skin, eyes, throat, and lungs. Eye damage can include blindness. Breathing the vapor can lead to choking, spasm, and pulmonary edema. Exposure can cause bronchitis, emphysema, and permanent lung damage.

SULFURIC ACID

Sulfuric acid is an oily liquid that is highly corrosive. It is used in fertilizers, chemicals, dyes, petroleum refining, etching and analytical chemistry, and in making iron, steel, and industrial explosives. Breathing sulfuric acid mist can irritate the lungs; high levels can cause death through a dangerous build-up of fluid in the lungs (pulmonary edema). Contact can severely burn the skin and eyes. Repeat exposure can cause erosion and pitting of the teeth, stomach upset, nose bleeds, tearing of the eyes, emphysema, and bronchitis.

THIONYL CHLORIDE

Thionyl chloride is a colorless or pale yellow to red liquid with a pungent odor. It is used in manufacturing organic chemicals, as a solvent in lithium batteries, and in making pesticides. Thionyl chloride may react or explode upon contact with other substances. It is a corrosive chemical that can severely irritate or burn the skin and eyes. Breathing thionyl chloride vapors can irritate the nose, throat, and lungs, and at higher levels can cause fluid to build up in the lungs (pulmonary edema), with severe shortness of breath and potentially death.

TITANIUM TETRACHLORIDE

Titanium tetrachloride is a colorless to light yellow liquid that has a penetrating acid odor. It is used to make titanium pigments, iridescent glass, artificial pearls, and as a catalyst in polymerization. Titanium tetrachloride is highly irritating to the skin, eyes, and mucous membranes. Acute exposure can burn the skin, eyes, throat, and lungs. Chronic exposure can lead to chronic bronchitis, wheezing, and build-up of fluid in the lungs.

TOLUENE-2,4-DIISOCYANATE

Toluene-2,4-Diisocyanate is a colorless to pale yellow liquid with a strong fruity odor. It is used to make polyurethane foams, elastomers, and coatings. Contact can irritate and burn the eyes and skin, and breathing vapor can irritate the nose, throat, and lungs, leading to coughing, chest tightness, and shortness of breath. High levels can lead to fluid in the lungs (pulmonary edema). Chronic exposure may cause concentration and memory problems. Toluene-2,4-Diisocyanate is a probable carcinogen.

VINYL ACETATE

Vinyl acetate is a flammable and reactive colorless liquid with a sharp sweet odor. It is used in making polyvinyl resins. Acute exposure to vinyl acetate can irritate the eyes, nose, throat, and skin, and cause shortness of breath. High levels can cause fatigue, irritability and dizziness. Prolonged contact can blister and burn the skin.

* Health hazard information sources include:

- New Jersey *Hazardous Substance Fact Sheets*
(<http://web.doh.state.nj.us/rtkhsfs/indexfs.aspx>)
- National Library of Medicine Hazardous Substance Data Bank
(toxnet.nlm.nih.gov)
- Environmental Protection Agency *Hazardous Substance Fact Sheets*
(www.epa.gov/enviro/html/emci/chemref/index.html)

APPENDIX B: BACKGROUND ON CHEMICAL SECURITY POLICIES IN NEW JERSEY

In addition to the 97 industrial facilities in our state that can pose catastrophic safety and health risks to workers and the public in the event of a release of an *extraordinarily hazardous substance*, there are approximately 279 plants, including petroleum and chemical storage and transfer facilities, that could endanger worker and community health and the environment in the event of a release of a *hazardous substance*.

In 2007, there were 6,365 private sector facilities in New Jersey that use or store 10,000 or more pounds of hazardous substances capable of harming worker health and safety and having damaging impacts on surrounding communities or the environment.¹³

Moreover, in 2007, more than 1.5 billion pounds of “extraordinarily hazardous substances” were brought on-site or manufactured at our state’s industrial facilities. These substances include chlorine, hydrofluoric acid, hydrogen chloride, phosgene, and ammonia¹⁴ – each of which can form a dangerous airborne toxic plume in certain circumstances.

Movement of hazardous substances by ships, trucks, and rail cars also remains a significant vulnerability in New Jersey, which is a major transportation corridor. Just this past May, 3,000 residents in Lafayette, Louisiana, were forced to evacuate their homes after six train cars were derailed. One of the train cars spilled 10,000 gallons of hydrochloric acid which is known to cause respiratory problems and skin and eye irritation.¹⁵ According to the *New York Times* in 2005: “Ten months ago, government safety officials warned that more than half of the nation’s 60,000 pressurized tank cars did not meet industry standards...”¹⁶ Many railway tank cars are covered with graffiti, showing that they are not secured from vandals, let alone terrorists.

THE CHANGING THREAT

In New Jersey and throughout the industrialized world, chemical incidents are almost always unintentional. However, the terrorist attacks of September 11, 2001, demonstrated that like airplanes, chemical facilities can be “weaponized” by those intending to harm our citizens and our economy. In a 2006 address to the American Chemistry Council, Department of Homeland Security Secretary Michael Chertoff said, “...Obviously, one of the areas we have to be concerned about are parts of our infrastructure which house chemicals which could...create a huge amount of havoc in a

¹³ Analysis of Community Right to Know Survey and chemical inventory data for 2007. Information provided by NJDEP in response to a WEC request.

¹⁴ Information provided by NJDEP on September 15, 2008 in response to a WEC request.

¹⁵ “La. evacuees return home alter acid spill cleared,” reported by the *Associated Press*, May 19, 2008.

¹⁶ “Deadly Leak Underscores Concerns About Rail Safety,” by Walt Bogdanich and Christopher Drew, *New York Times*, January 9, 2005.

populated area – whether it be because of a large explosion or whether it’s because of toxic inhalation.”¹⁷

After a toxic chemical gas release killed thousands of people in Bhopal, India, the company responsible, Union Carbide, blamed the release on sabotage by a disgruntled employee. In fact, major safety systems were inadequately designed or maintained. Even at a well-run company, the best safety and security systems can fail.

Although evidence points clearly to chemical site vulnerability nationwide, the one federal law addressing this issue enacted since September 11, 2001 is woefully inadequate.

NEW JERSEY’S RESPONSE

New Jersey has undertaken efforts to address the risks of terrorism and protect “critical infrastructure.”¹⁸ The *Domestic Security Preparedness Act of 2001* established joint anti-terrorism efforts between government and industry.¹⁹ The Act created an Infrastructure Advisory Committee (IAC) and 20 sector advisory groups to work with different state agencies. Among these advisory groups are those for the chemical and petroleum industries, wastewater and water treatment facilities, hospitals, and schools.

During the McGreevey Administration the Task Force and IAC advisory groups produced separate “best practices” for security in the chemical and oil industries. These best practices are supposedly baseline plans that can apply across an entire sector and focus on prevention, preparation, response, and recovery. For the chemical industry, these guidelines were developed with seven chemical company representatives and state and national trade organizations.²⁰ The chemical industry best practice guidelines are inadequate in scope, poorly written and edited, and extremely confusing.²¹ Moreover, there was no input from front line workers, who, by virtue of their knowledge and experience, should have been involved in developing this document. The McGreevey Administration’s approach to chemical security emphasized more gates, guards, and “hardening” of plant perimeters. While such measures can be appropriate, they are insufficient.

Overall, until August 2005 the state’s approach to chemical security under Democratic Governors McGreevey and Codey did not vary much from that of the Bush Administration, which relies largely on voluntary industry self-regulation. In fact, chemical industry trade associations almost led former DEP Commissioner Bradley Campbell to adopt their own industry’s *Responsible Care Security Code of Management Practices* as the centerpiece of our state’s policy to address terror risks. A resulting

¹⁷ Remarks by Homeland Security Secretary Michael Chertoff at the National Chemical Security Forum, March 21, 2006.

¹⁸ These efforts are documented in the Annual Reports by the New Jersey Domestic Security Preparedness Task Force, Peter C. Harvey, Chair, New Jersey Domestic Security Preparedness Task Force.

¹⁹ Ibid.

²⁰ Personal communication from Assistant Attorney General Larry O’Reilly.

²¹ See Current NJ Policies for Chemical Safety and Security, WEC, December 2, 2005

“Memorandum of Agreement (MOA)” would have put a state seal of approval on corporate self-regulation.²² WEC – along with allied labor, community, and environmental organizations – contended that this approach was the wrong way to protect us from terrorism or from the routine fires, explosions, spills, and releases caused by these industries and defeated this scheme.

RECENT DEVELOPMENTS

As a US Senator, Governor Corzine, an advocate for chemical security, focused policy on ensuring “inherent,” or built-in, safety and security, such as substituting safer chemicals, reducing unnecessarily large inventories of hazardous substances, lowering operating pressures and temperatures, and using better backup shutdown procedures in the event of an emergency. Only these built-in solutions can ensure that a facility will not be able to release a toxic gas cloud into downwind communities.

Since taking office, Governor Corzine has taken important steps forward and has adopted the strongest chemical security policy in the country. The NJ Department of Environmental Protection, under the Corzine Administration and led by Commissioner Lisa Jackson, has:

- Required facilities covered by the state Toxic Catastrophe Prevention Act (TCPA) to evaluate options for inherently safer technologies (IST). This is an expansion of a requirement for *chemical* sector facilities regulated under TCPA and ordered by the Domestic Security Preparedness Taskforce in 2005. IST includes substitution of safer chemicals or changing to safer processes. *These policies are the first in the nation to require facilities to make such precautionary evaluations.*
- Expanded the rights of workers to accompany DEP staff on inspections at the 279 high hazard facilities not covered by TCPA. The policy was created through an administrative order and is similar to one issued in 2005 for workers at TCPA facilities. *These policies are the nation’s first to involve workers and their unions in such community protection efforts.*²³
- Governor Corzine also committed to requiring mandatory, joint labor-management health, safety and security committees at TCPA facilities to further address safety and security concerns.²⁴ Unfortunately, he has not followed through on that pledge.

²² *Memorandum of Agreement Concerning Domestic Security Preparedness*, draft dated September 2003, NJ Department of Environmental Protection and industry trade associations.

²³ A fact sheet on the DEP Administrative Order to establish this right can be found at: <http://www.nj.gov/dep/rpp/brp/tcpa/tcpadown.htm>

²⁴ This commitment was confirmed in a letter dated August 18, 2006 from WEC to Governor Corzine.

THE FIGHT AGAINST FEDERAL PRE-EMPTION

In 2006, the federal Department of Homeland Security (DHS) issued interim chemical security rules to regulate 7,000 high hazard facilities across the country. Unfortunately, the rules are in most respects much weaker than New Jersey's requirements.

The federal rules fail to:

- require review of options for Inherently Safer Technology;
- involve frontline workers and their unions;
- include 3,000 water and wastewater treatment plants that use large quantities of chlorine and are often located near the populated areas they serve;
- establish *any* realistic limitations on secrecy – even publicly available information must be treated “as if the information were classified material”;
- fully protect whistleblowers and prohibit citizens from enforcing the law; and
- require an annual report to Congress on total numbers of “high risk” facilities, facilities in compliance or using safer technologies, and numbers of people at risk.

Even the weak DHS rules are unlikely to be effectively enforced, since DHS has only 35 staff to regulate 7,000 facilities nationwide.²⁵ In addition, DHS has refused New Jersey's request to delegate enforcement authority.

Congress is currently weighing bills for permanent regulation.

New Jersey has already moved ahead to require facilities using the most hazardous chemicals to evaluate options for IST which includes water and wastewater treatment plants. But, the Bush Administration, under the influence of the American Chemistry Council, fought to make sure these weaker, federal standards would preempt New Jersey's regulations. Fortunately, Senator Frank Lautenberg was able to win language in a federal bill at the end of 2007 that allows federal preemption *only* if the federal regulation conflicts with a state's policy. Thus, New Jersey can adopt additional requirements to ensure safety and security.

²⁵ Communication with NJ DEP staff on September 19, 2008.

APPENDIX C: LIST OF FACILITIES REGULATED UNDER THE
NEW JERSEY TOXIC CATASTROPHE PREVENTION ACT

This list, provided by the NJ Department of Environmental Protection, is current as of September 4, 2008 and is in order by county. It does not include 7 facilities regulated only by EPA.

A management contact person and their telephone number is included for each facility listed.

COMMENTS?

Do you have comments on this report? WEC would like to hear them. Please comment below and return this page to WEC, 142 West State Street, Third Floor Trenton, N.J. 08608-1102.

Please check here if you would like to be contacted about **Safety and Security *First***, WEC's campaign to Protect Our Jobs, Families, and Hometowns from Toxic Chemical Disasters.

Your Name _____

Organizational Affiliation (if any) _____

Address _____

City _____ **State** _____ **Zip** _____

Area Code/Telephone _____

E-mail _____