

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

February 10, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We are deeply concerned that an EPA announcement could compromise the security of manufacturing facilities by handing over sensitive information to terrorists.

On December 1, 2011, Lawrence Stanton, Director of EPA's Office of Emergency Management (OEM), notified stakeholders that, beginning in July 2012, EPA had decided to re-establish Internet access to manufacturers' non-Off-site Consequence Analysis (non-OCA) sections of the Risk Management Plan database. These sections contain facility-by-facility lists of covered chemicals used, preventative measures in place, and the location in a plant where those chemicals are used. We strongly oppose your plan to post these portions of Risk Management Plans on the Internet.

With the growth of several Internet search engine-based mapping tools, the information you propose to publish can constitute a virtual terrorist roadmap into a chemical facility, triggering devastating consequences. This is why EPA decided to remove all Risk Management Plan data from the Agency website in the fall of 2001. Common sense dictates that this information must be restricted from Internet access and maintained under the current administrative access controls.

EPA complains that dealing with Freedom of Information Act (FOIA) requests for this information is a burden. We believe this burden on your staff pales in comparison to the security risks posed by unfettered global access to this information by anyone for any purpose.

OEM also argues that government officials and first responders need access to non-OCA data. However, other Federal laws, including some the Agency administers, already provide this information. For example:

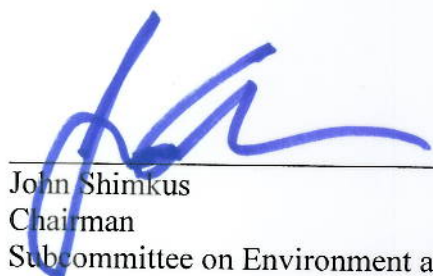
- Section 112 of the Clean Air Act requires companies to provide *all* Risk Management Plan information to local responders and response planners;
- Sections 301-303 of the Emergency Planning and Community Right to Know Act require certain entities to coordinate emergency response plans with state and local emergency planning commissions; and,
- Section 550(c) of Public Law 109-295 provides for sharing of sensitive chemical facility security information with law enforcement officials and first responders.

Current information controls balance access to data where needed with prudent security protections. We are shocked that EPA would seek to reverse hard-fought anti-terrorism gains made over the last decade by disregarding the compelling need to not globally disseminate this information. Terrorists already have enough weapons. We need not turn this highly sensitive information into one more weapon in their arsenal. We urge you to reverse the decision announced by OEM and keep non-OCA information off the Internet.

Please inform the Committee on EPA's plans to fulfill its responsibility to protect non-OCA information, no later than February 24, 2012. For any questions, please contact Committee Majority staff David McCarthy or Jerry Couri at (202) 225-2927.

Sincerely,



Fred Upton
Chairman

John Shimkus
Chairman
Subcommittee on Environment and the Economy

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Gene Green, Ranking Member
Subcommittee on Environment and the Economy