

**Testimony
Of
The Honorable J. Christian Bollwage
Mayor of Elizabeth, New Jersey**

**On behalf of
The Transportation Safety, Infrastructure Security and Water
Quality Subcommittee of the Senate Committee on Environment
and Public Works**

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As the fourth largest municipality in New Jersey and the Union County Seat, Elizabeth is centrally located to the entire tri-state area. In addition to its position within the region, located within the City of Elizabeth are Port Elizabeth/Newark, the CSX Facility, the North East Corridor, Goethals Bridge, Route 278, Routes 1&9 and the NJ Turnpike. In addition, the Chemical Coast Line, which transports chemicals by rail through the City of Elizabeth, poses potential high life hazards in the event of an emergency or potential terrorist attack. As a transportation hub and vital destination, Elizabeth's growing need for homeland and chemical security is evident.

Furthermore, Elizabeth borders municipalities such as Linden, Newark, as well as NYC, which due to location and the presence of petrochemical plants, pose potential fire hazards and potential terrorist targets.

In New Jersey, we continue to operate at an Elevated Alert Level, and a High Threat Level for the Aviation Sector. Elizabeth's efforts on September 11th, while vital in New York City and surrounding municipalities, required unprecedented manpower, in addition to equipment utilization and disbursement. Commuters stranded on major roadways such as the Goethals Bridge, were provided shelter at a local Recreation Center and other sites throughout the City. City police officers were also assigned for security purposes. Elizabeth's firefighters were sent to New York City, as well as the surrounding Boroughs, to provide coverage at the local firehouses.

The City of Elizabeth is expanding, with economic development and growth taking the forefront. Home to Jersey Gardens Mall, IKEA, Union County College, and Trinitas Hospital, in recent years Elizabeth has welcomed the AMC Theater and numerous restaurants and shops. With the addition of five hotels, including extended-stay facilities, there is an immense increase in high-life hazard locations. Furthermore, the City of Elizabeth anticipates the incorporation of a ferry service departing from the Elizabeth Seaport, thus increasing the number of visitors and commuters traveling to and from Elizabeth on a daily basis.

The City of Elizabeth has been identified within the most dangerous two miles in the country. Located in close proximity to the Infineum Corporation and the Conoco Phillips oil refinery, the City of Elizabeth is at an even higher risk for potential terrorist activity. With 15,000 chemical facilities throughout the nation, it is imperative that local chemical security procedures be enacted.

In November 2005, New Jersey implemented state-based chemical security protection procedures. These requirements indicated that the State's highest risk chemical facilities would have to conduct an analysis to determine whether Inherently Safer Technologies (IST), safer chemical or materials, can be used to reduce the risk of a hazardous material emergency or terrorist attack. Due to its location in the region, the City of Elizabeth is beginning to apply safe planning policies to reduce the risk of an emergency. In order to efficiently continue implementing these strategies, state and local municipalities need to have the ability to apply a plan that will most effectively enable prevention and targeted response in the event of an emergency.

In September, Congress gave the Department of Homeland Security (DHS) the authority to adopt interim regulations for security at chemical facilities. However, that measure was silent on the issue of preemption. Within their proposed regulation, DHS asserted that based upon Congress's silence on the issue, it had the authority and would preempt state and local laws that went further than the department's regulations. Under these regulations, the City of Elizabeth would be unable to create policies that can assist in reducing the risk of a catastrophic emergency.

The Environmental Protection Agency (EPA) is responsible for handling environmental impacts of all 15,000 chemical facilities in the nation. Federal chemical security measures, such as the proposed DHS regulations, will not be sufficient to ensure the safety of local municipalities such as the City of Elizabeth.

Even before 9-11, the nation's chemical facilities were vulnerable to terrorist attacks and incidents involving hazardous materials.

In 1980, an explosion and fire at Chemical Control, a chemical storage facility in Elizabeth, burned for 15 hours and literally rocked neighborhoods for miles. There were approximately 14,250 residents within 1 mile of the site and one residence located within 200 feet. Not to mention the dozens of densely populated neighborhoods located across the Elizabeth River. Over 400 firefighters, police and emergency workers labored in thick smoke; less than half had air packs. Runoff stained the Elizabeth River red; smoke shrouded Staten Island. Within 18 months, many firefighters had reported respiratory trouble. Others developed health problems ranging from cancer to chronic skin rashes.

This tragic event spawned the birth of Hazardous Material Response and Awareness. Since then Federal, State, and local governments have worked together to ensure the safety of our first responders. The interoperability among government agencies continues to protect the men and women who without hesitation risk their lives to protect our residents.

Now more than ever, we must work together to develop guidelines that can be realistically applied to safeguard our residents.

Twenty-seven years later, we should not be waiting for another chemical disaster to figure out what the best plan of action should be to protect the lives of our residents. A blanket Federal security measure will not adequately safeguard all chemicals facilities throughout the nation and the residents in surrounding neighborhoods. In the event of a hazardous chemical emergency or terrorist attack, the City of Elizabeth needs to act, and will not be able to wait for the federal government to implement immediate emergency assistance.

It is imperative that state and local government agencies be allowed, with the assistance of the Federal government, to develop and implement strategies that will ultimately result in lowering the risk and consequences of a terrorist attack and make chemical facilities more secure.

If you ask New Jersey officials how to better secure our chemical facilities we can respond. If you ask New Jersey officials how to better secure the chemical facility in Baton Rouge, LA we

could not respond adequately. Each facility is unique and therefore needs specific security measures. Having one standard model of security, which would preempt state and local law, for the 15,000 facilities nationwide is a recipe for disaster.

In order to protect the health, safety, and well being of the residents within the City of Elizabeth, it is imperative that state and local municipalities have the authority and resources to secure our hometowns.

Regardless of the outcome, the City of Elizabeth is equipping, training, and preparing our first responders to deal with any emergency situation. The only question now is whether Federal, State, and local government can come together and collectively ensure the safety of all our residents.