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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

June 12, 2006

The Honorable Susan Collins
Chairman
United States Senate
Committee on Homeland Security
and Government Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Joseph Lieberman
Ranking Minority Member
United States Senate
Committee on Homeland Security
and Government Affairs
604 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Collins and Ranking Minority Member Lieberman:

I am writing to express my continuing concerns over certain provisions that are included in S. 2145, Chemical Facility Anti-Terrorism Act of 2005, and fall squarely within the jurisdiction of the Environment and Public Works Committee.

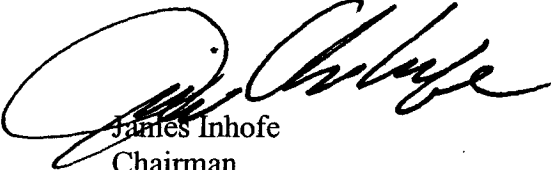
Section 3(c)(1) of S. 2145 stipulates the criteria for the Department of Homeland Security to use when designating a chemical source that is to be regulated by the provisions of your bill. It requires the Secretary of DHS to:

“consider any facility that is a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)) for which the owner or operator is required to complete a risk management plan in accordance with section 112(r)(7)(B)(ii) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(ii)).”

Under this criterion, drinking water and wastewater utilities, as well as nuclear facilities would be covered by the regulations in S. 2145. The standing rules of the Senate expressly grant the Environment and Public Works Committee jurisdiction over all legislation related to “control of nuclear energy, “ as well as “water pollution and water resources.” Further, since September 11, 2001, all bills dealing with security-related and non-security-related matters at these types of facilities have always been referred to the EPW.

Given that regulation of these facilities falls within the jurisdiction of EPW, I request that the criteria for designating chemical sources be altered so as to exclude these facilities; or alternatively, ask that the bill be referred to the EPW committee upon completion of your committee's markup.

Sincerely,



James Inhofe
Chairman

cc:

The Honorable Daniel K. Akaka
The Honorable Robert F. Bennett
The Honorable Thomas R. Carper
The Honorable Lincoln D. Chafee
The Honorable Tom Coburn
The Honorable Norm Coleman
The Honorable Mark Dayton
The Honorable Pete V. Domenici
The Honorable Frank Lautenberg
The Honorable Carl Levin
The Honorable Mark Pryor
The Honorable Ted Stevens
The Honorable George V. Voinovich
The Honorable John W. Warner