



New Jersey Work Environment Council
Safe, Secure Jobs and a Healthy, Sustainable Environment

New Jersey Work Environment Council Action Alert

Safety, Not Secrecy

Tell DEP Not To Cover Up Toxic Hazards!

The Corzine Administration is trying to take away our right to know if a chemical disaster could occur in our communities, endangering our safety, job security, families, and environment.

A new rule proposed by NJ's Department of Environmental Protection (DEP), pushed by the NJ Office of Homeland Security, would hide "off-site consequence" data *and* other risk information from 97 potentially hazardous chemical plants, oil refineries, water treatment operations, and other facilities using chlorine or other highly toxic or flammable substances. Nineteen of 21 New Jersey counties host these facilities. WEC disclosed these dangers in our recent report, *Still at Risk*, available at www.njwec.org.

Even George Bush's Environmental Protection Agency (EPA) has not hidden this vital information! EPA's "reading room" in Edison, NJ, provides public access to off-site consequence information for EPA regulated facilities.

Take Action Now!

1) Call Commissioner Lisa Jackson at (609) 777- 4327. Tell her that hiding dangers will not reduce threats or consequences of terrorism and to eliminate this secrecy language from the rule.

2) Please forward this message to others.

Background

On September 15, 2008, DEP issued a rule proposal under the *Toxic Catastrophe Prevention Act*. While the proposal includes improvements, new provisions for “security information” are unacceptable.

DEP’s rule says “*Security information*” means information the release of which could either compromise the physical security of the covered process or its operations, or adversely affect national security. Examples include “... **but are not limited to** [our emphasis], *offsite consequence analysis data...*”

If DEP adopts this language, they would hide information about risks at New Jersey’s 97 most potentially hazardous facilities. In addition, DEP could completely cover-up off-site consequence data from 12 facilities regulated only by DEP, not EPA. These facilities are:

Facility Name	Location	Extraordinarily Hazardous Substances	Danger Zone (Miles)	Population in Danger Zone At Potential Risk
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NJ American Water Treatment	Somerset	Ozone (gas)	0.5	69
Spectrum Chemicals	New Brunswick	Nitric Acid	0.01	0*

Source: NJ Department of Environmental Protection Reading Room, September 2008. Facility management submits this data.

Federal EPA says "... public disclosure of Off-site Consequence Analysis (OCA) information would likely lead to a significant reduction in the number and severity of accidental chemical releases. Widespread access to OCA information would serve the functions Congress originally intended in enacting the Clean Air Act and requiring the collection of OCA information to inform members of the public of potential environmental hazards and to allow them to participate in decisions that affect their lives and communities." (Source: *EPA Background Document*).

Sidney Casperson, former Director, NJ Office of Counterterrorism, said, "The terrorists already know what's out there. They have been found with blueprints of our buildings, and a lot of 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." (Source: *NY Times*, May 9, 2005). ***That's why WEC supports requiring facilities to adopt inherently safer technology and safety measures, not secrecy.***

To read the rule proposal, go to Proposed Rule Amending the *Toxic Catastrophe Prevention Act*, Pages 17-19, at <http://www.nj.gov/dep/rules/proposals/091508b.pdf>

For more information: NJ Work Environment Council, 142 West State Street, Trenton, NJ 08608; Telephone (609) 695-7100. Email: info@njwec.org.

Call **Commissioner Lisa Jackson** TODAY – 609-777-4327 to register your concern.