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OF THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
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Thank you for the opportunity to discuss the Environmental Protection Agency's (EPA) role in domestic terrorism preparedness and, more specifically, the Agency's role in protection of the nation's water resources. I am the Assistant Administrator for Solid Waste and Emergency Response. Also with me here today are Diane Regas from EPA's Office of Water and Jim Makris from EPA's Office of Solid Waste and Emergency Response.

The tragic events of September 11, 2001, have justifiably raised concern over our vulnerability to terrorist attack. As a nation, we are scrutinizing our efforts to prepare for and to prevent terrorist events. Realizing that we must always remain vigilant to new threats and must always be ready to respond, the Agency welcomes the opportunity this hearing offers to examine these issues. A brief overview of the Agency's role and actions as part of the response effort to the attacks of September 11, 2001, may be a useful starting point.

Before the second plane had struck the World Trade Center in Manhattan the morning of September 11, 2001, EPA headquarters had already begun coordination with our Region 2 office to address the

crash of the first plane. Ten minutes later, our EPA headquarters had linked all of our east coast regional offices to begin coordination and support of the New York response effort. EPA's Emergency Response Program was present on site in New York, Virginia, and Pennsylvania within hours of the four plane crashes.

Throughout the response effort, EPA has worked in coordination with our federal partners to monitor and protect human health and the environment from potential hazards associated with the three crash sites. At both the World Trade Center and the Pentagon, EPA provided monitoring for various air contaminants. In addition, at the World Trade Center, EPA assisted in debris removal, and cleanup of dust and debris from the streets using HEPA vacuum trucks. EPA has found no evidence of a general threat to public health, but onsite rescue and recovery crews should take appropriate precautions to protect themselves. EPA's and OSHA's monitoring has provided key data to help guide those crews in making appropriate decisions about how to protect themselves. We have also provided rescue workers and others onsite with protective gear and health and safety recommendations for the difficult conditions on site, and set up washing stations for response workers at Ground Zero and vehicles and heavy equipment departing the Zone to be washed down prior to departure. Signs informing rescuers of the need to wear protective gear are posted throughout the washing stations.

Regarding water concerns associated with the crash site in Manhattan, EPA collected and tested drinking water at distribution points. Following several days of heavy rain in New York, EPA collected water samples from storm sewers and surface runoff to determine if potential contamination from the

World Trade Center site was entering the Hudson or East rivers. EPA has also collected water samples from the 13th Street Pump Station, which transfers wastewater from lower Manhattan to the Newton Creek Wastewater Treatment Plant in Brooklyn. As a precaution the Newton Creek plant is segregating the sewage flows from lower Manhattan and will not use the sludge from these flows for beneficial use.

Background/Authorities

EPA has led the National Response System (NRS) for over 30 years. The NRS is the system by which our local, state and federal responders address hazardous material and oil spill emergencies. These contaminants can include chemical, biological, and radioactive materials that also could be components of weapons of mass destruction (WMD). The Agency's basis for its emergency response program is outlined under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP - 40 CFR Part 300). The NRS was originally authorized under the Clean Water Act and supplemented by the authorities of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), and is codified in the NCP. The National Response Team (NRT), established by the NCP, consists of 16 Federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the Coast Guard serves as vice chair of the NRT.

Additionally, by direction of the President, EPA has a significant role in counter terrorism activities. EPA is assigned the task of assisting the FBI during crisis management in threat assessments and

determining the type of hazards associated with releases or potential releases of materials in a terrorist incident. EPA, as the lead agency for Hazardous Materials Response under Emergency Support Function (ESF) 10 of the Federal Response Plan, is also assigned to assist the Federal Emergency Management Agency during consequence management with environmental monitoring, decontamination, and long-term site cleanup. The EPA also has a role in enhancing the nation's capabilities to respond to terrorists events. EPA is also the lead agency for critical infrastructure protection for the Water Supply Sector. In the Nunn-Lugar-Domenici legislation, EPA was identified as one of the six key federal agencies for assisting in the WMD training program for the nation's first responders.

Protection of America's Drinking Water

The Agency's efforts are not limited to emergency response actions. Indeed, we have been focusing significant effort on emergency preparedness with particular attention to the nation's drinking water supplies. The drinking water industry in the United States comprises over 168,000 public water systems that range in size from very large - - those serving over 100,000 people - - to very small - - those serving between 25 - 500 people. The responsibility for protecting our nation's drinking water is a shared responsibility among the Federal, State and local governments with drinking water utilities. For terrorist and other seditious acts, a formal public/private partnership was established in 1998 in response to the requirements of a Presidential Decision Directive. This partnership includes such Federal agencies as the CDC (Centers for Disease Control and Prevention), DOD (Department of Defense), DOE (Department of Energy), FBI (Federal Bureau of Investigation), FEMA (Federal

Emergency Management Agency) and such water-related organizations as the Association of Metropolitan Water Agencies, and the American Water Works Association. In November of 1998, a preliminary plan on National Infrastructure Assurance: Water Supply Sector was drafted. Some of the activities described in the plan have been under development for the past 2½ years and are in or near the implementation stage. Others are being designed expeditiously and will be in place in 2002. On the whole this plan has served as an effective blue print for EPA and its partners to develop a comprehensive approach to protecting the nation's drinking water supplies.

Activities in five principal areas are underway:

- the development of tools to assess vulnerabilities of drinking water utilities to terrorist acts.
- the identification of actions to minimize such vulnerabilities.
- the revision and enhancement of existing emergency operations plans to take into account special needs that might be necessary following terrorist acts.
- the establishment of a secure, web-based information center on drinking water alerts, threats, and/or actual incidents that will be accessible to all drinking water utilities.
- research on biological and chemical contaminants that are considered weapons of mass destruction.

Some specific projects related to each of these activities include:

< The Sandia National Laboratory of the Department of Energy in partnership with the American Water Works Association Research Foundation is developing a "tool kit" to assist drinking

water systems in conducting vulnerability assessments and identifying remedial action. This resource will be available in early November 2001. As an interim measure, EPA has disseminated a fact sheet that outlines measures utilities can take immediately to protect their drinking water supplies. This document should now be in the hands of every state drinking water program manager who, in turn, will send it to a public water systems in his/her state. The Agency has also sent out an advisory to the law enforcement community through the National Law Enforcement Telecommunications System asking local police to include critical drinking water assets on regular patrols.

< As this "tool kit" is being developed, the American Water Works Association Research Foundation is concurrently drafting training materials that will provide step-by-step guidance to drinking water utilities on conducting vulnerability assessments, identifying remedial actions and strengthening their emergency operation plans. Formal training sessions will begin as soon as the "tool kit" is ready and will be directed initially to over 300 of the largest drinking water utilities, which each serve 100,000 or more consumers. Again, we expect that these training sessions will begin next month. Training others to conduct vulnerability assessments will be an integral component of this effort. Consequently, the Agency envisions that a significant cadre of professionals will be available by the end of 2001 to assist systems of all sizes, and especially small systems, in doing these vulnerability assessments.

< The American Water Works Association Research Foundation is currently developing an

emergency operations checklist to be included in the training materials that will be ready in November. In addition, FEMA is assessing existing emergency operations manuals for drinking water systems and will develop a "model" manual for systems to follow. The Agency's anticipated schedule for the distribution of this document is mid-2002 .

< The Association of Metropolitan Water Agencies has received funds to develop an Information Sharing and Analysis Center (ISAC). This secure, web-based, "virtual center" will provide utilities, State and local emergency response agencies, State drinking water agencies, and EPA with alerts and notices of threats as well as provide for incident reporting by utilities. The FBI will be a principal participant in ensuring the security of this information. We are optimistic that this center will be operational in late 2002.

< Research is being conducted by the Department of Defense on specific "river spill" and "pipeline" models to determine the fate and transport of contaminants within a source water watershed and drinking water system. In addition, the University of North Carolina at Greensboro has been given funds to develop biodetectors for contaminants. While research is not normally a short-term endeavor, these projects are being conducted on an accelerated schedule and data will be available in mid-2002. Ongoing research to better understand potential biological and chemical contaminants, their fate and transport within drinking water (from source water to distribution); ways to counteract such contaminants through water treatment, and related health effects of public exposure to such contaminants is provided to

EPA by CDC, DOD, and the US Army Aberdeen Proving Grounds.

All these activities and projects will bolster the existing methods for responding to emergency situations, including terrorist acts. Currently, a drinking water utility would activate its existing emergency response plan with local law enforcement (including the FBI) and its state emergency officials. If needed, these provide for shutting down the system, notifying the public of any emergency steps they might need to take (e.g., boiling water) and providing alternate sources of water. EPA's extensive network of expert emergency response personnel can be dispatched to the scene immediately to support local communities. They have considerable experience and expertise in working with local, state, and federal emergency officials and are prepared to provide support for monitoring, clean up, and expert advice on contaminants, just as we have in NYC and the Pentagon.

Recognizing the need to ensure appropriate coordination of these many activities, EPA has established a Water Protection Task Force that will not only keep an eye on these drinking water-related projects but will also guide efforts on longer-term drinking water infrastructure protection as well as wastewater treatment infrastructure protection.

EPA's Counter-Terrorism Activities

As EPA continues to strengthen its counter-terrorism (CT) program by building on the existing NRS for hazardous materials (hazmat) prevention, preparedness, and response, the Agency is involved in a variety of activities with federal, state, and local officials that include: responding to terrorism threats;

pre-deploying for special events; planning, coordination, and outreach; and training and exercises. EPA was asked to chair the Security and Safety of U.S. Facilities Group of the National Security Council's Policy Coordinating Committee for Counter-terrorism and National Preparedness.

In the regions, the Agency's first responders are the On-Scene Coordinators (or OSCs). The OSCs have been actively involved with local, state, and federal authorities in preparing for and responding to threats of terrorism. EPA's OSCs, located throughout the United States, have broad response authority and a proven record of success in responding rapidly to emergency situations.

Our expertise in performing off-site monitoring, extent of contamination surveys, working with health officials to establish safe cleanup levels, conducting protective cleanup actions, and communicating technical information/data to impacted citizens is essential for a successful Federal response to an act of terrorism that involves a release of chemical, biological, or radioactive material. EPA brings unique capabilities and experience to the response process.

EPA has a mandate and a history of working closely with State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) to develop emergency response plans for hazardous materials releases. We are expanding this work with SERCs and LEPCs to encourage them to incorporate terrorism response issues into their existing emergency response plans. We have worked closely with other federal agencies to develop interagency response plans for terrorist incidents including the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan

(CONPLAN), the Terrorism Incident Annex to the Federal Response Plan, the Department of Defense CONPLAN 0500, and the Administration's Five-Year Interagency Counter-terrorism and Technology Crime Plan.

EPA's National Enforcement Investigations Center (NEIC) conducts the forensic evidence collection on nonmilitary industrial chemicals in the event of an eco-terrorism event. NEIC trains state, local, and federal personnel in this type of work and are active members of the multi-agency task force in the counter-terrorism effort. EPA's Criminal Investigation division typically investigates such incidents jointly with the FBI, after the immediate response actions are completed.

EPA is currently providing supplemental hazardous materials training to its OSCs to ensure their health and safety when responding to a terrorist incident, particularly one involving WMD. EPA's basic and advanced hazardous materials training has also been provided to some of the National Guard WMD Civil Support Teams and to other federal, state, and local emergency responders. We have been an integral part of the Nunn-Lugar-Domenici Domestic Preparedness Program and its predecessor under DOJ providing terrorism response training to local emergency responders. To test its readiness and coordination with other agencies, we have participated in several terrorism exercises, most recently the TOPOFF Exercise in May 2000 and the Wasatch Rings Exercise in April 2001 (in preparation for the 2002 Olympics). We have also participated in the ITRAP interagency series of exercises for senior department and agency policy and counter terrorism coordination officials.

Conclusion

Finally, Mr. Chairman, I would like to emphasize that the Administrator, Governor Whitman, has made very clear to the entire Agency that there is no higher priority than ensuring that EPA's mission – protecting the environment and the public health – extends to homeland security. The expertise and experience the Agency has developed over 31 years is certainly a tremendous asset to the work that Governor Ridge will be doing and to the work you will be doing. We intend to use that asset to the fullest.

Clearly, the Administrator believes very strongly that EPA's efforts to help secure the safety and integrity of America's water supply and infrastructure must be undertaken with great speed, energy, and attention. Deadlines that were established before September 11th for such action are no longer appropriate. We don't have any time to waste in completing this work and we intend to devote the resources necessary to make certain it is done as quickly as possible.

I know if the Administrator were here she would tell you that we welcome the opportunity to work with you, your colleagues in the Congress, and with Governor Ridge and the Office of Homeland Security, to meet the expectation every American shares – that the federal government is hard at work meeting the concerns of the American people and the demands that the events of September 11 have placed before us.

Thank you.