

S 1602

Chemical Security Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Oct 31, 2001

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Sponsor

Name: Sen. Corzine, Jon S. [D-NJ]

Party: Democratic • State: NJ • Chamber: Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Oct 31, 2001
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Oct 31, 2001
Sen. Jeffords, James M. [I-VT]	I · VT		Oct 31, 2001
Sen. Torricelli, Robert G. [D-NJ]	D · NJ		Sep 4, 2002

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Hearings By (subcommittee)	Nov 14, 2001

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

No related bills are listed.

Chemical Security Act of 2002 - (Sec. 4) Directs the Administrator of the Environmental Protection Agency to promulgate regulations to designate certain combinations of chemical sources and substances of concern as high priority categories based on the severity of the threat posed by an unauthorized release from chemical sources. Requires the Administrator, in designating high priority categories, to consider: (1) the severity of the harm that could be caused by an unauthorized release; (2) the proximity to population centers; (3) the threats to national security; (4) the threats to critical infrastructure; and (5) threshold quantities of substances of concern that pose a serious threat.

Directs the Administrator to promulgate regulations to require each owner and operator of a high priority category chemical source to: (1) conduct an assessment of the vulnerability of the chemical source to a terrorist attack or other unauthorized release; (2) identify hazards that may result from an unauthorized release of a covered substance of concern; and (3) prepare a prevention, preparedness, and response plan that incorporates the results of those vulnerability and hazard assessments. Requires such plan to include actions and procedures, including safer design and maintenance of the chemical source, to eliminate or significantly lessen the potential consequences of an unauthorized release of a covered substance of concern. Directs the head of the Office of Homeland Security to provide owners and operators of chemical sources with threat information relevant to the required assessments and plans.

Requires the Administrator, not later than five years after the date of promulgation of the regulations, to review the regulations and make any necessary revisions. Authorizes the Administrator to designate additional substances that pose a serious threat as substances of concern.

Sets forth certification requirements. Requires each owner and operator of a chemical source that is within a high priority category: (1) within one year of promulgation of regulations, to certify to the Administrator that the chemical source has conducted assessments in accordance with the regulations and submit to the Administrator written copies of the assessments; (2) within 18 months, to certify to the Administrator that the chemical source has completed a prevention, preparedness, and response plan that incorporates the results of the assessments and complies with the regulations and to submit to the Administrator a written copy of the plan; and (3) within five years after each of the date of submission of a copy of an assessment and a plan and every three years thereafter, to review the adequacy of the assessment or plan and certify to the Administrator that the chemical source has completed the review and to submit to the Administrator any changes to the assessment or plan.

Exempts all information provided to the Administrator and all information derived from that information from disclosure under the Freedom of Information Act, except with respect to the certifications listed above.

Requires the Administrator to: (1) develop such protocols as necessary to protect the copies of the assessments and plans from unauthorized disclosure; and (2) complete the development of protocols within one year of this Act's enactment.

(Sec. 5) Requires the Administrator to: (1) review each assessment and plan submitted to determine compliance with the regulations; and (2) certify in writing each determination. Mandates that a certification include a checklist indicating consideration by a chemical source of the use of four elements of safer design and maintenance.

Requires the Administrator, before the date of: (1) publication of proposed regulations, to review each assessment or plan submitted; and (2) promulgation of final regulations, to determine whether each assessment or plan meets the consultation, planning, and assessment requirements applicable to high priority categories. States that if the Administrator makes an affirmative determination, the Administrator shall certify compliance without requiring any revision

of the assessment or plan.

Requires the Administrator to: (1) establish a schedule for the review and certification of assessments and plans; and (2) complete the review and certification of all assessments and plans submitted within three years after the deadlines for their submission.

Defines "determination" to mean a determination by the Administrator, with respect to an assessment or plan under this section: (1) that the assessment or plan does not comply with regulations promulgated; or (2) that a threat exists beyond the scope of the submitted plan or that current implementation of the plan is insufficient to address the results of an assessment of a source or a threat.

Provides that if the Administrator makes a determination, the Administrator shall: (1) notify the chemical source of the determination; and (2) provide such advice and technical assistance as is appropriate to bring the assessment or plan of a chemical source into compliance or to address any threat.

Sets forth provisions regarding compliance orders and notice and opportunity for hearing.

Provides that if the head of the Office determines: (1) that a threat of a terrorist attack exists that is beyond the scope of a submitted prevention, preparedness, and response plan of one or more chemical sources, or that current implementation of the plan is insufficient to address the results of an assessment of a source or a threat, the head of the Office shall notify each chemical source of the elevated threat; and (2) that a chemical source has not taken appropriate action in response to a notification, the head shall notify the chemical source, the Administrator, and the Attorney General that actions taken by the chemical source in response to the notification are insufficient.

Authorizes the Administrator or the Attorney General, on receipt of a notification, to secure such relief as necessary to abate a threat, including orders necessary to protect public health or welfare. Establishes jurisdiction for the U.S. district court for the district in which a threat occurs to grant such relief as the Administrator or Attorney General requests.

(Sec. 6) Requires a chemical source that is required to certify assessments and plans to the Administrator to maintain on the premises of the chemical source a current copy of those assessments and plans. Grants the Administrator the right of entry to, on, or through any premises of an owner or operator of such a chemical source or any premises in which any records required to be maintained are located. Allows at reasonable times access to, and copying of, any such records, reports, or other information. Authorizes the Administrator to require any chemical source to provide such information as necessary to enforce this Act.

(Sec. 7) Sets civil, criminal, and administrative penalties for violation of this Act.

(Sec. 9) Authorizes appropriations.

Actions Timeline

- **Nov 15, 2002:** Committee on Environment and Public Works. Reported by Senator Jeffords with an amendment in the nature of a substitute. With written report No. 107-342. Additional views filed.
- **Nov 15, 2002:** Committee on Environment and Public Works. Reported by Senator Jeffords with an amendment in the nature of a substitute. With written report No. 107-342. Additional views filed.
- **Nov 15, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 764.
- **Jul 25, 2002:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 14, 2001:** Committee on Environment and Public Works Subcommittee on Superfund and Waste Management. Hearings held. With printed Hearing: S.Hrg. 107-664.
- **Oct 31, 2001:** Introduced in Senate
- **Oct 31, 2001:** Sponsor introductory remarks on measure. (CR S11288-11289)
- **Oct 31, 2001:** Read twice and referred to the Committee on Environment and Public Works.