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THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

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R. Steven Brown
Executive Director

Dr. Baruch Fischhoff and Committee Members
Homeland Security Advisory Committee
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Dr. Baruch Fischhoff and Committee Members,

The Environmental Council of the States (ECOS) is the national non-profit, non-partisan association of state and territorial environmental agency leaders.

This statement is to comment on the national need to be able to rapidly and accurately identify the agent used in any terrorist threat – the basic need to answer the immediate question of “what is the terrorist agent involved” before first responders can know how to address any given terrorist threat. A number of federal, state, and local entities are involved in answering that question and EPA is one of them. EPA is the federal agency charged with protecting human health and the environment from chemical contaminants and responding to chemical terrorist events is a subset of this responsibility.

Homeland Security Presidential Directive-5 (HSPD-5) designates the EPA as responsible for efforts linked to “environmental monitoring; to decontamination; to long-term site clean-up in the event of a terrorist attack resulting in environmental contamination; to surge capacity for environmental analysis in a chemical terrorism event; and to providing support to states.” In addition, the U.S. EPA’s 2004 Homeland Security Strategy describes 5 Mission Critical Areas (MCA) which include but are not limited to “responding and recovering from any chemical, biological, radiological, or nuclear terrorist event” and “synthesizing and communicating complex information related to human health and the environment.” Four years after the terrorist attack on the World Trade Center and the anthrax attacks in New York and Florida, it is interesting to note that EPA has failed to prepare for the responsibilities laid out in the above two documents.

- EPA still lacks the capability and capacity to perform the environmental analysis for a chemical terrorist threat, let alone provide the surge capacity for such an event.
- EPA has not provided any support to states which could be used to build the analytical surge capacity for chemical terrorism response.

- While EPA has built a very small amount of internal emergency response capability for responding and recovering from terrorist events, they have not provided any support to the states with whom they have existing formal agreements and who are the logical state expansion of EPA's internal capacity.

In contrast, in 1999, the Centers for Disease Control and Prevention's National Center for Environmental Health (CDC-NCEH) initiated methods development for determination of chemical terrorism agents in clinical samples and is currently transferring this technology to state public health laboratories. Aimed at assuring competent testing and adequate nationwide capacity, this transfer of clinical methods (those used for human tissue samples) is intended to establish geographic coverage in response to a terrorist event. After the terrorist attacks in 2001, CDC rapidly used this preliminary network to build an effective laboratory network (the Laboratory Response Network - LRN) to meet their obligations to respond to terrorist threats. The CDC has provided hundreds of millions of dollars to make the LRN an efficient, secure, reliable and geographically complete national asset that is routinely used by local, state, and federal emergency response personnel. Although EPA has a similar relationship with state laboratories (both environmental and public health), it has not invested any funds into building a similar level of the laboratory capacity and reliability needed to analyze environmental samples (water, air, and solids). Currently only one government entity, the Department of Defense, is capable (but with a very limited capacity) of performing analyses of environmental samples for chemical terrorism agents.

The result of EPA's lack of effort to provide a secure laboratory network with the capability and capacity to meet its obligations under HSPD-5 and its own 2004 Homeland Security strategy has led to a lack of validated methods or analytical standards for the safe, secure, and expeditious handling of environmental samples associated with a chemical terrorist threat. To date, this capability to handle environmental samples that may contain chemical terrorism agents also does not exist in the civilian sector. As such, no public or private laboratories can perform validated environmental chemical terrorism testing.

EPA has a long history of working with private environmental laboratories to address large scale clean up work on contaminated sites. While this contract laboratory system could work for the decontamination of sites attacked with a chemical agent, it is not satisfactory for the initial response to an event. The initial response to a terrorist event is, by its nature, a government function. When the safety of the population is at risk, it is critical to have a known, secure, efficient system that is linked from the local to the national level. The Laboratory Response Network established by the CDC in collaboration with its state laboratory partners fulfills this role extremely well for clinical samples (particularly for biological terrorism agents). It is important that EPA engage fully with EPA's state laboratory partners and with CDC to complement the excellent existing clinical system with the capacity and capability for environmental samples (particularly for chemical terrorism agents).

Sincerely,



Steve Brown,
Executive Director