

NJ WORK ENVIRONMENT COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, 2ND DISTRICT, COALITION AGAINST TOXICS, COMMUNICATIONS WORKERS OF AMERICA (CWA), DISTRICT 1, CWA LOCAL 1032, CONCERNED CITIZENS COALITION OF LONG BRANCH, CONSUMERS FOR CIVIL JUSTICE, DELAWARE RIVERKEEPER NETWORK, ENVIRONMENTAL RESEARCH FOUNDATION, GREENFAITH, GREENPEACE, HEALTH PROFESSIONALS AND ALLIED EMPLOYEES, INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 877, NJ CITIZEN ACTION, NEW JERSEY EDUCATION ASSOCIATION, NJ ENVIRONMENTAL FEDERATION, NJ ENVIRONMENTAL JUSTICE ALLIANCE, NEW JERSEY ENVIRONMENTAL LOBBY, NJ INDUSTRIAL UNION COUNCIL, NJ PUBLIC INTEREST RESEARCH GROUP, NJ SIERRA CLUB, OMB WATCH, PHILAPOSH, UNITED ELECTRICAL WORKERS LOCAL 155, INTERNATIONAL CHEMICAL WORKERS UNION COUNCIL - UFCW, UNITED STEELWORKERS - DISTRICT 4, UNITED STEELWORKERS HEALTH, SAFETY & ENVIRONMENT DEPARTMENT

January 15, 2009

Dear Governor Corzine,

The undersigned 27 labor, community, and environmental organizations strongly urge you to delete secrecy language from the rule proposal for the New Jersey *Toxic Catastrophe Prevention Act*, provisions which threaten public health and safety.

On September 15, 2008, your Administration issued a Department of Environmental Protection (DEP) rule proposal under the Toxic Catastrophe Prevention Act (DEP Docket Number 14-08-08/660). While this proposal includes improvements, new provisions for “security information” are unacceptable. DEP’s rule proposal 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...” This proposal can take away our right to know if a chemical disaster could occur in our communities, endangering our safety, job security, families, and environment.<sup>1</sup>

The DEP rule proposal would allow the state to hide “off-site consequence” data and other risk information, including facility names and locations, concerning 97

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<sup>1</sup> The NJ Work Environment Council, on behalf of its 70 labor, community, and environmental organization members, submitted written comments urging DEP to withdraw this language from the rule proposal on November 14, 2008.

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. In addition, DEP could completely refuse to disclose off-site consequence data from 12 facilities regulated only by DEP, not EPA. *Even George Bush's Environmental Protection Agency (EPA) has not attempted to hide this vital information!* EPA's "reading room" in Edison, NJ, continues to provide public access to off-site consequence information for EPA regulated facilities.

While workers and their unions may still have access to this data from their employer, management may resist providing this information. Therefore, public access to off-site consequence information from DEP is critical for worker as well as community protection.

Under your Administration, New Jersey has become the country's leader on chemical safety and security. As the new Obama Administration and the nation look to our state for guidance, we need you to act now to ensure safety, not secrecy.

Sincerely,

Rick Engler, Director, NJ Work Environment Council  
Linda Mason, Legislative & Political Coordinator, American Federation of Government Employees, 2nd District  
Wynne Falkowski, Chair, Coalition Against Toxics  
Hetty Rosenstein, Area Director, Communications Workers of America (CWA), District 1  
Patrick Kavanaugh, President, CWA Local 1032  
Avery W. Grant, Executive Director, Concerned Citizens Coalition of Long Branch  
Peter Guzzo, Director, Consumers for Civil Justice  
Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network  
Peter Montague, Director, Environmental Research Foundation  
Reverend Fletcher Harper, Executive Director, GreenFaith  
Rick Hind, Legislative Director, Greenpeace  
Ann Twomey, President, Health Professionals and Allied Employees – AFT, AFL-CIO  
Doc Doherty, President, International Brotherhood of Teamsters Local 877  
Phyllis Salowe-Kaye, Executive Director, NJ Citizen Action  
Vincent Giordano, Executive Director, NJ Education Association  
Amy Goldsmith, Director, NJ Environmental Federation  
Theodore Carrington, Co-Chair, Central Jersey Region, NJ Environmental Justice Alliance  
Anne O. Poole, President, NJ Environmental Lobby  
Ray Stever, President, NJ Industrial Union Council  
Allison Cairo, Executive Director, NJ Public Interest Research Group  
Jeff Tittel, Director, NJ Sierra Club

Brian Turnbaugh, Policy Analyst, Environmental Right to Know, OMB Watch  
Barbara Rahke, Director, PHILAPOSH  
Ron McCullough, President, United Electrical Workers Local 155  
Gerald C. Setley, Vice President, International Chemical Workers Union Council, United  
Food and Commercial Workers  
William Pienta, Director, United Steelworkers, District 4  
John Alexander, United Steelworkers Health, Safety & Environment Department