

Insurance Times: Businesses worry over public access to disaster plans
November 13, 2001, Vol. XX No. 23

LOUISVILLE, Ky. (AP)— Federally mandated plans in which industries publicly outline worst-case scenarios in case of explosions or chemical releases are coming under attack since the Sept. 11 terrorist strikes.

Industry and utilities are urging the U.S. Environmental Protection Agency and Congress to revoke public access to the risk-management plans, as well as other potentially sensitive public documents.

"We're in an extreme situation," said Pam Krider, spokeswoman for the American Water Works Association, which counts the Louisville Water Co. among its members. "How much information does the public need to know? How much information does the public not want everybody to have access to?"

The plans identify chemicals found at large industrial complexes, such as those in western Louisville's Rubbertown. They also require an explanation of how plant managers would respond to the worst-case situations.

The plans, mandated by 1990 amendments to the Clean Air Act, have become a right-to-know tool for emergency responders, neighborhoods and environmental groups. They've been credited with encouraging facilities, including some in Louisville, to make changes to reduce threats.

Krider argues that only government and emergency response authorities should see the plans. Dick Bartlett, executive administrator of the Louisville-Jefferson County Emergency Management Agency, agreed.

"We're helping people too much to learn about our nation's vulnerabilities," he said.

But right-to-know advocates and some environmentalists worry the security pendulum will swing too far toward secrecy in response to the events of Sept. 11.

They fear that a federal law that requires businesses to plan for potential disasters _ and allows nearby residents to independently verify those plans _ might be eviscerated.

"Traditionally, environmental and public interest groups and labor unions have relied on public disclosure to spotlight hazards and spur government action to reduce these hazards," said Paul Orum, director of the Working Group on Community Right to Know, a Washington-based coalition of more than 1,500 public interest organizations.

If the public isn't allowed to review the plans, industries may not be as compelled to reduce chemical risks, he said.

"We are very concerned about a know-nothing, do-nothing response," he said.

Louisville lawyer Tom FitzGerald, director of the Kentucky Resources Council, agreed. "Going back to shutting out the public's right to know is not necessary and not wise."

After the attacks on the World Trade Center and Pentagon, the EPA quickly pulled from its Web site portions of the risk-management plans that it previously had published there.

Now, the agency is being asked to pull all or parts of the plans, including the worst-case scenarios, from reading rooms in all 50 states.

EPA Administrator Christie Whitman acknowledged that terrorists likely could figure out potential vulnerabilities without looking at the plans.

But at an Oct. 19 appearance before the Society of Environmental Journalists in Portland, Ore., Whitman said she's worried about "terrorist wannabes" looking for "a road map."

U.S. Rep. Anne Northup, R-Ky., said Congress may step in if the FBI and President Bush's new homeland security team recommend further restricting access to the plans.

"We are trying to balance the right to know with making sure we don't give terrorists information that might jeopardize our security," Northup said last week. "These are tough decisions."