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On Behalf of  
THE NATIONAL LEAGUE OF CITIES

Before the 9/11 Public Discourse Project  
June 28, 2005

Senator Kerrey, on behalf of the National League of Cities and the citizens of Fall River, Massachusetts, I want to begin by extending my gratitude not simply for allowing me to appear this morning to share concerns that I know will resonate with you and your colleagues at the Public Discourse Project, but for your willingness to continue with the critically important work of the 9/11 Commission. Too often in the past blue ribbon panels have come together, focused awareness on a problem of national import, and moved on leaving questions unresolved and opportunities to further the public well-being abandoned. The nation owes you and your Commission colleagues and staff a very deep debt of gratitude. The increasing, unfortunate tendency, to politicize all public issues makes it all the more important that a respected, bi-partisan panel rise above the fray on an issue as essential to our survival as a free nation as is protection of the homeland.

Thank you for accepting that responsibility and for giving voice to issues that confound and threaten us daily.

Thank you also for recognizing that as important as it is that we take all appropriate action to minimize the risks that already exist around us, it is no less important to avoid the needless exacerbation of threats to national security and to public safety. It is that subject— that we not forfeit the opportunity of significant risk avoidance— that I wish to discuss with you this morning.

Most of the attention of Homeland Security to date has centered upon protecting existing facilities from terrorist attack. The reason that the testimony I offer today on behalf of Fall River and the National League of Cities is so important is that it deals with the danger of approval, by the federal government, of new facilities which would pose grave dangers to security precisely because, in the words of counter-terrorism experts, they would invite further terrorism.

It is not often that we are offered the opportunity to look danger in the eye and to be able to shunt it aside. Yet that is precisely the situation before us today, an opportunity that we must not squander. I come before you as part of my effort to make certain that it never will become necessary to convene a 9/11-type Commission to investigate a tragedy that has befallen the City of Fall River, or any other major population center faced with a similar threat.

The precise subject of concern is the proposal to locate a liquefied natural gas (LNG) storage and regasification facility on the waterfront in the heart of Fall River. That facility, known as the Weaver's Cove project, would be supplied by almost twice-weekly shipments of LNG carried in tankers more than three football fields in length and holding 30 million gallons or more of LNG.

I confess, when I first learned of the Weaver's Cove proposal I was not terribly knowledgeable about the ramifications it would present for my City and for my neighbors. I set about to educate myself. I contacted the experts. Indeed, when I heard the assessment of the experts, including Dr. Jerry Havens, my first reaction was that the Weaver's Cover proposal surely cannot be a serious one. That surely, when its implications become clear, even the project sponsors would admit the sheer folly of

proceeding forward. But proceed they do, and with the apparent concurrence of the staff of the Federal Energy Regulatory Commission (FERC) which recently issued an approving Final Environmental Impact Statement (FEIS). Meanwhile, our efforts to obtain an evidentiary hearing, so that the views of experts can be fairly appraised, have been ignored.

Let me describe, in lay terms, what the experts have taught me. When liquids are stored, whether in onshore containments or in tankers, there always exists the potential for breach of that containment and resulting release of the liquid. The problem associated with the release of LNG is that, due to its extremely low boiling point (260° F below zero), upon release it quickly starts to vaporize and in vapor form it is highly flammable.

Recently the Sandia National Laboratory, at the request of the FERC, undertook an analysis of the potential public health consequences primarily of an accidental spill of LNG on water. What Sandia concluded, in a nutshell, is that the population then within a one (1) mile radius of the spill would suffer the potential of sustaining second-degree burns within no more than thirty (30) seconds of exposure. People in the closest proximity would have little chance of survival. In my City, there are almost 2,000 people who live within 500 yards of either the proposed terminal location, or of the LNG carrier route, and there are more than 35,000 Fall River residents who live within one mile of the proposed terminal location or the LNG carrier route. There are tens of thousands more in harm's way who reside outside the Fall River city limits, in neighboring Somerset just across the narrow Taunton River, and along the coast of the Narragansett and Good Hope Bays. That is the risk of so-called "pool" fires, where ignition occurs at the point of the

spill. There is another threat, that of vapor cloud dispersion. In that circumstance, the spill results in a cloud that, according to Sandia, can drift for as much as two miles from the source of the spill and still remain combustible should it encounter, as is likely, a source of ignition.

Suffice it to say, according to the government's own experts, even an accident can have severe consequences for Fall River and its citizens. But that is by no means the worst of it. What might the consequences be of an intentional attack directed either at the terminal or at a tanker while traversing twenty-six (26) miles of the most heavily used recreational waterways in our nation? We now have a glimpse at the answer. The consequences, the human toll, would be horrific.

An analysis recently completed by Richard Clarke reaches several disturbing conclusions. First, the location of an LNG facility in a populated urban environment such as Fall River, and the movement of LNG tankers in narrow congested in-land waterways, would present terrorists with precisely the type of target of opportunity that they seek. It offers precisely the "spectacular" event that terrorists crave.

Second, the feasibility of attack is high and the ability successfully to safeguard against it extremely low. I recently read a Time magazine piece on the vulnerability of nuclear plants to terrorist attacks. What struck me was that to be successful the terrorists would have to gain access to the control room. Without minimizing the threat that exists at nuclear installations, in many respects the vulnerability is far greater where the target is LNG containment. With the availability of rocket-propelled grenades and similar weapons, the attack can be launched from considerable distances removed from the containment. On site security is useless when the assault can originate from widely

scattered perimeter locations, or from areas on the shoreline unobservable from ships escorting tankers. And while nuclear facilities are largely impervious to breach by even large commercial aircraft, LNG containment lies vulnerable even to small planes, particularly if packed with explosives. Finally, LNG tankers, as was the case with the more fortified the USS Cole, are vulnerable to waterborne attack, and the tankers traveling to Fall River will pass literally thousands of commercial and recreational craft.

Third, the consequences of a successful attack would be horrendous, resulting in potentially an even higher human toll than resulted from the 9/11 attacks.

We have provided your staff with a copy of the Clarke study. When you have a chance to review it you too will reach the only conclusion possible: it would be tragic to proceed with Weaver's Cove.

The views expressed by Richard Clarke are entirely compatible with those of other experts, including of the highest officials of the Department of Homeland Security ('DHS'). In his January 26, 2005 testimony before the Senate Committee on Homeland Security and Governmental Affairs, Richard Falkenrath who served, until May, 2004, as Deputy Homeland Security Advisor to the President, observed that:

The essence of Al Qaeda's strategy for causing catastrophic harm to America on September 11 was to strike an inherently dangerous, poorly secured system in our midst. Due to the passage of the Aviation and Transportation Security Act and the work of the Transportation Security Administration, passenger aircraft are no longer poorly secured and hence no longer fall into this target category. It stands to reason that, in the aftermath of September 11, our terrorist enemies are surveying American society to locate other inherently dangerous, poorly secured systems that they could strike with catastrophic secondary effects.

On June 15<sup>th</sup>, DHS Acting Under Secretary Robert Stephan advised the committee that the protection of "chemical" installations remains a high priority of the

Administration. Because of the huge quantities of LNG stored at an LNG terminal, and carried aboard each LNG carrier serving the terminal, an LNG facility is a particularly significant “chemical” installation. And, in language paralleling earlier remarks of Secretary Chertoff on the importance of focusing particular attention on targets where, though the probability of attack might be slight the consequences would be high,<sup>1</sup> Secretary Stephan observed:

First, we must recognize that not all facilities present the same level of risk, and that the most scrutiny should be focused on those that, if attacked, could endanger the greatest number of lives, have the greatest economic impact or present other very significant risks.

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The chemical sector, as with all critical infrastructure, is potentially a target for terrorist attack. While we have no specific, credible information indicating an immediate threat to the chemical sector, DHS remains concerned about the potential public health and economic harm should an attack occur. The chemical sector consists of widely varied and distributed facilities. The particular vulnerability of any specific facility obviously depends on the type and quantity of chemicals at a site, the physical layout, location of sensitive targets, access points, geographic location, and other variables. Therefore each facility must have a vulnerability assessment—and a security plan—tailored to its unique characteristics.

Senator Kerrey, that is precisely what Richard Clarke conducted—a facility specific “vulnerability assessment” - and the conclusion that he reached was that it is not possible to put in place “a security plan” that would be capable of meeting the threat. Weaver’s Cove, if it were in place today, would serve as the paradigm threat identified by Secretaries Chertoff and Stephan. Indeed, were it in place today we would be rueing the decisions that made it possible; we would be anguishing the impossibility of protecting public safety.

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<sup>1</sup> Remarks of Secretary Chertoff, George Washington University Homeland Security Policy Institute, March 16, 2005.

Attached is a letter sent by the Massachusetts Congressional delegation to Secretary Chertoff on June 15, 2005 specifically discussing the subject of *risk, threat and vulnerability* as it applies to the Weaver's Cove proposed LNG project. We respectfully submit that Homeland Security has a legal and moral obligation to intervene in the government regulatory process.

On June 9<sup>th</sup>, with our request for an evidentiary hearing before the Federal Energy Regulatory Commission still ignored, we took the unusual step of filing the testimony of our experts in the hope that when FERC saw the seriousness of the issues raised, it would provide the hearing we seek. We have provided that filing as well to your staff.

As an urban Mayor I recognized that 9/11 changed profoundly how I would have to assess threats to my City. Even then, however, I was reasonably comfortable that Fall River was an unlikely target. Not so should Weaver's Cove go forward.

I still am at a loss to understand the logic that has permitted Weaver's Cove to proceed this far. There are LNG facility alternatives that can be accommodated in our region that would be fully capable of meeting energy needs while avoiding creation of an attractive target of opportunity for terrorists. If only we would analyze risk profiles comparatively the folly of Weaver's Cove would be apparent. But that request thus far has fallen on deaf ears.

As a Mayor of a northern city, I know the importance of natural gas. Our economies, our environment, our personal safety depend upon it. We must embrace supply enhancements, including of LNG. But we must do it sensibly, with appreciation of the risks and of the importance of not creating an attractive target for terrorists.

I am taking the liberty of also attaching for your consideration materials from the National League of Cities concerning the serious need for more radio frequency dedicated to public safety communication. This is essential to allow first responders to obtain compatible communication systems. The inability to share common broadcast frequencies endangers the lives of first responders and the public they serve. Congress should establish a firm date for broadcasters to return the radio spectrum for public safety purposes. In addition, Congress should create a one-stop grant program to facilitate the administration of public safety communications grants.

Even with an improved communications system, however, the scope of a disaster that could follow from an attack on an LNG terminal in an urban area or on a LNG carrier in a narrow waterway adjacent to urban areas would be far beyond the capacity of our first responders to handle.

Senator Kerrey, it is not often that those entrusted with protection of the public can take effective preventative action. Yet that is precisely the opportunity that is available to FERC. Any encouragement that you and your colleagues can provide in favor of rational decision making will be most appreciated by the citizens of Fall River. Any help you and your colleagues can offer in ensuring that no urban environment is again threatened with the risk now confronting Fall River, would be yet another contribution that you will have made to a grateful nation.

Thank you for your time and for your commitment.