GREENPEACE
702 H Street, NW, Suite 300, Washington, DC 20001
Tel: 202-462-1177 • Fax: 202-462-4507
1-800-326-0959 • www.greenpeaceusa.org

March 10, 2009

Charles O. Holliday, Jr., CEO
E.I. du Pont De Nemours and Company
1007 Market Street
Wilmington, Delaware 19891

Dear Mr. Holiday;

We would like to meet with you to discuss du Pont's use of chlorine gas and its resulting potential liabilities and regulatory obligations. To make sure that du Pont is fully aware of these liabilities, we have attached a comprehensive list of more than 50 reports from over 40 authoritative sources -- including excerpts on the hazards inherent to the bulk storage and use of chlorine gas. These sources include the Association of American Railroads, Brookings Institute, Center for American Progress, Chlorine Institute, Congressional Research Service, Federal Bureau of Investigation, National Research Council, U.S. Government Accountability Office and the U.S. Homeland Security Council. In addition, please note the hundreds of examples of chemical facilities that secured their plants by converting to safer technologies, which eliminated the risk of a catastrophic release. Knowing about these foreseeable risks and failing to act to eliminate them could result in even greater liability for du Pont in the future.

As du Pont reported in its February 12, 2009 10K Report to the Securities Exchange Commission (SEC) ***"terrorism"*** was listed among the factors that ***"could seriously impact the company's future revenue and financial condition and increase costs and expenses."*** In fact, du Pont's liability for such a disaster could be "a company ending event." Several chemicals are capable of catastrophic damage, but chlorine gas is one the most inherently dangerous high risk substances that du Pont uses. In fact, four du Pont plant Risk Management Reports (RMP) to the Environmental Protection Agency (EPA) show that these four plants put between 66,000 and 2 million people at risk of a catastrophic release of chlorine gas (see attached list). Together these four du Pont plants put more than 2.3 million people at risk who live and work in the "vulnerability zones" reported to the EPA. In addition to the human tragedy, the liability to du Pont could potentially exceed the 9/11 attacks. According to the New York City Comptroller, economic impacts of the 9/11 attack were $94.8 billion: www.comptroller.nyc.gov/bureaus/bud/reports/impact-9-11-year-later.pdf

Du Pont facilities are also subject to the new Chemical Facility Anti-Terrorism Standards (CFATS) issued by the Department of Homeland Security (DHS) which developed interim regulations for "high risk" chemical facilities. In defining the consequences of an attack compared to the accident scenarios reported to the EPA above, the DHS warns that, ***"The key difference is that they may involve effects that are more severe than expected with accidental risk."*** As a result, the DHS recommends that facilities use a conservative model in calculating the consequences (fatalities, injuries, property & economic damage) of a successful attack. Government sources have estimated a range of potential casualties from 100,000 (U.S. Naval Research Laboratory) to over 2.4 million (U.S. Army Surgeon General).

As you know, all of these hazards are unnecessary and preventable. Ideally, du Pont could switch to safer products and processes. Such a conversion would not only eliminate du Pont's

enormous potential liability (discussed above) but would also reduce or eliminate regulatory compliance and insurance costs associated with chlorine gas.

If, however, du Pont chooses to continue processes that require the use of chlorine gas, there are safer ways to use chlorine that do not involve the storage and transport of chlorine gas in bulk. For example, in December 2008 Dow Chemical announced such a program in the San Francisco Bay area. This is not the most preferred option, but it will result in a dramatic reduction in both risk and liability compared to the ongoing use and storage of 90-ton rail cars of chlorine gas in a large urban area.

Since 9/11, at least 220 facilities have converted to safer technologies. More than 87 percent of those interviewed said their conversion costs ranged from less than $100,000 to $1 million or less. A third of those surveyed said they expected to save money. The Center for American Progress has produced several reports documenting the success stories of plants that have converted to safer technologies and the outstanding risks posed by facilities still using toxic by inhalation (TIH) gases. These include the April 2006 report on the hundreds of facilities which have recently converted to safer technologies:
http://www.americanprogress.org/issues/2006/04/b681085_ct2556757.html/chem_survey.pdf

Given these risks, their potential liability, and widely available safer alternatives, it would make good business sense to learn that du Pont already has plans to convert its bulk use of chlorine gas to safer technologies.

As you also know, the DHS regulations are very limited and will expire on October 4, 2009. Congress is now considering permanent legislation that could provide more certainty for du Pont and other businesses using TIHs. The current interim law actually bars the DHS from requiring any specific security measures including the most effective security measures: safer technologies. New legislation could correct this. Last year the House Homeland Security Committee adopted H.R. 5577, which required the highest risk (Tier 1) facilities to "reduce the consequences of an attack." This bill also allowed each facility to choose the safest, most appropriate technology to reduce the consequences of an attack at their plant and allowed exceptions for in-feasibility and onerous costs.

We would also like to discuss du Pont's current position regarding chemical security legislation. Du Pont is a member of the American Chemistry Council (ACC) and the National Association of Manufacturers (NAM), which have lobbied against requiring the use of safer technologies and for making the weak temporary statute permanent. In 2008 du Pont reported spending over $4 million on lobbing with at least four lobbyists available to lobby on chemical security plus one representing du Pont at Phillsbury, Winthrop, Shaw and Pittman. In addition to using safer technologies at du Pont facilities, we would like to discuss shifting du Pont's lobbying resources to support for legislation similar to H.R. 5577.

Other NAM members disagree with the NAM on this legislation. For example, in February 2008, the **Association of American Railroads (AAR) issued a statement saying, *"It's time for the big chemical companies to do their part to help protect America. They should stop manufacturing dangerous chemicals when safer substitutes are available. And if they won't do it, Congress should do it for them."***

A growing number of political leaders agree with the AAR. In a March 2006 floor statement, Senator Obama said, ***"...there are other ways to reduce risk that need to be part of the equation. Specifically, by employing safer technologies [IST], we can reduce the***

attractiveness of chemical plants as a target...Each one of these methods reduces the danger that chemical plants pose to our communities and makes them less appealing targets for terrorists."

As you know, the September 11th terrorist attacks used our own infrastructure against us with tragic results. The attacks also demonstrated that tight perimeter security, such as in the case of the Pentagon, is incapable of preventing such attacks. Should a chemical plant be targeted, a truck bomb, a small plane, helicopter or a high powered rifle would easily render any "target hardening" or fence-line security useless. You told the media in June 2007, ***"I feel very comfortable that we've taken all the reasonable steps, but obviously if someone wants to fly an airplane into a plant, it's very hard to guard against it."***

The vulnerability of U.S. chemical plants to terrorism and serious accidents such as the 1984 disaster in Bhopal India, which killed 20,000 people, is widely recognized. The magnitude of these risks surpass the 9/11 attacks. Once released, these gases can remain dangerous for up to 14 miles in an urban area (20 miles in a rural area) and put the lives of millions of people at risk. U.S. chemical facilities were never designed to defend against terrorist attacks, and predicting where an attack will take place is a fool's errand. No one predicted that Timothy McVeigh would attack the Federal Building in Oklahoma City in 1995, killing 168 innocent people.

The manner in which people would be killed and injured is terrifying. Poison gases such as chlorine will literally melt the lungs of its victims causing them to drown in their own lung fluid (pulmonary edema). Survivors would be left with life-long disorders.

Following the 9/11 attacks, The Washington Post reported that 9/11 ring leader, Mohamed Atta visited a Tennessee chemical plant asking lots of questions (December 16, 2001). In 2007, at least five successful terrorist attacks in Iraq used relatively small (150 to 250 pound) cylinders of chlorine gas to kill dozens of people. In 2007, thefts of 150 pound cylinders of chlorine gas occurred in California and Texas, prompting the DHS to brief local bomb squads and chemical plants across the country. (April 24, 2007 USA Today). The time for fundamental preventive action, to safeguard American communities, is long overdue.

We look forward to meeting with you, at your earliest convenience, to discuss any plans du Pont may have for converting its facilities and supporting legislation that will ensure the use of the safest technologies wherever feasible. In the meantime, please review the attached list of authoritative sources on the hazards of chlorine gas, as well as the hundreds of examples of facilities that have secured their plants by converting to safer technologies that eliminate the risk of a catastrophic release.

Thank you.

Sincerely,

Rick Hind
Legislative Director, Greenpeace
(202) 319-2445
rick.hind@wdc.greenpeace.org