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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce Full Committee Markup October 21, 2009

Today, the Committee considers four pieces of legislation that directly affect the health and safety of the American public.

The first bill is bipartisan legislation that will address the current shortfall in the availability of medical isotopes. Medical isotopes are used in 16 million diagnostic medical procedures annually to detect cancer and heart disease, image fractures, and track cancer stages. They are a critical healthcare tool. The purpose of this legislation is to ensure that the U.S. will have an adequate supply of medical isotopes by developing domestic production capability. This legislation also reduces the risk of nuclear proliferation by encouraging overseas reactors to produce medical isotopes with low enriched uranium instead of highly enriched uranium. I commend Subcommittee Chairman Markey and Representative Upton for working together – and with others on the Committee – to develop this balanced, bipartisan legislation.

We are also considering two bills that we have introduced to resolve some unfinished business from 9/11. Our nation's chemical facilities and drinking water utilities have been vulnerable to terrorist attack for too long. The bill we will consider today will enhance our homeland security, improve the safety of our workforce, and help protect our public health.

H.R. 3258 – the Drinking Water System Security Act of 2009 – will close the critical security gap at community water systems nationwide and reinforce EPA's authority to help these water systems strengthen their security standards. Under H.R. 3258, for the first time, covered water systems that use a certain amount of dangerous chemicals will have to assess whether they can switch to safer chemicals or processes to protect their employees, their neighbors, and the community they serve.

We worked closely with the water sector to draft a bill that balanced the needs of safe water with the special requirements of homeland security. I'm pleased that the Association of Metropolitan Water Agencies and the Association of California Water Agencies have endorsed H.R. 3258, and I know that we have a better bill today as a result of these Associations' input and cooperation.

We will also be marking up H.R. 2868, the Chemical Facility Anti-Terrorism Act, which is the result of extensive collaboration within this committee, as well as among the Committee on Homeland Security, the Department of Homeland Security, and representatives of industry, labor, and other stakeholders.

Like the water bill, this legislation requires for the first time that covered chemical facilities must assess whether there are any safer chemicals, processes or technologies that they can adopt which would reduce the consequences of a terrorist attack against the facility. This bill will also authorize the Secretary of Homeland Security, under certain circumstances, to require a chemical facility to adopt the safer chemicals, processes or technologies when necessary to reduce the consequences of an attack. These reductions can also reduce the likelihood that terrorists will target a facility in the first place.

During the subcommittee process, we listened carefully to stakeholder concerns and worked to address them. Both of these security bills are the product of careful compromise, and I am proud of how far we have come. I urge all Members to support this legislation to close these critical security gaps once and for all.

The final bill we will be considering today is H.R. 2190, the Mercury Pollution Reduction Act. H.R. 2190 would eliminate a significant source of mercury pollution by prohibiting mercury use in the manufacture of chlorine or caustic soda at chlor-alkali facilities in the United States.

These facilities use an outdated technology that releases mercury in unacceptable quantities into the communities in which they operate. Ninety-five percent of the chlor-alkali facilities in the United States have already modernized to become mercury-free, or have made commitments to modernize in the near future. And they have accomplished this while retaining all their workers and even hiring more to complete the modernization process.

Unfortunately, four facilities have refused to convert to a mercury-free technology. This bill addresses these remaining four by requiring them to convert by a date certain.

Because of the threat mercury poses to public health, particularly pregnant women and children, we should be reducing exposure to mercury wherever possible, and this legislation is a smart step in the right direction. I commend Representative Schakowsky for working to address this significant source of mercury pollution.

The bills we consider today are a significant step forward in protecting the health and safety of the American people. I urge all members to support these legislative measures.