Oral Remarks

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Before the
U.S. House of Representatives
Committee on Homeland Security
Subcommittee on Transportation Security and Infrastructure Protection

On behalf of

American Council on Education
Association of American Universities
Campus Safety, Health and Environmental Management Association
Council on Governmental Relations
National Association of College and University Business Officers
National Association of State Universities and Land-Grant Colleges

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Madame Chair, members of the subcommittee:

I thank you for the opportunity to appear before you today. I am the Associate Vice President for Research Compliance at Boston University and Boston Medical Center where I am responsible for compliance with research policies in over 600 labs spread over 25 buildings. Today, I appear before you representing the higher education associations and over 2,000 member colleges and universities.

There are three main points I would like to highlight for you today:

1) First, the higher education community is committed to complying with new chemical standards;

2) Second, I wish to convey to you the concerns of colleges and universities about the Chemical Facility Anti-Terrorism Standards as published in April; and finally

3) I want to emphasize that we are encouraged with how the Department of Homeland Security has responded to our concerns.

First, I wish to make it clear to the Committee that:

1) **Colleges and universities are committed to the safe conduct of research and teaching on their campuses.** We recognize that all of us, including colleges and universities, must become more vigilant in the post-September 11th world.

Universities have for years complied with an evolving set of federal regulations governing health, safety, and security from OSHA, CDC, EPA, USDA and the NRC. To meet these requirements, our institutions have assessed the risk of chemicals used in campus labs and have adopted appropriate safety measures for the protection of
researchers and the environment. We will approach the DHS chemical standard with the same commitment to compliance.

Having said that, we hope that we can work with DHS to: 1) align these new requirements with those already imposed on us by other federal agencies so long as such alignment can serve both homeland security and other health and safety goals; and 2) ensure that whatever approach is taken to such rules, it does not inadvertently weaken national security by hindering science and engineering education and research on our campuses.

Let me now speak to:

2) Specific university concerns regarding the Chemical Facility Anti-Terrorism Standards.

The higher education community was surprised to discover that the list of chemicals of interest published as Appendix A in April included a number of compounds commonly found in our laboratories. If the rule were adopted with no further changes, it would apply to virtually every college and university in the country, as well as many hospitals, doctors’ offices, and secondary schools.

The final rule addresses risks posed by large chemical manufacturing and industrial facilities. It is not, in our view, well tailored to deal with the unique characteristics of colleges and universities which have relatively small quantities of many different types of chemicals dispersed over many laboratories in numerous buildings.

Those features of universities lead to two challenges:
1) **Completing the Top-Screen as it is now designed.** As I already mentioned, the campus research environment is decentralized, complex, and most importantly, dynamic. On any given day, some portion of the chemicals housed in our laboratories is consumed in experiments. We have robust systems for ensuring the safe handling and disposal of chemicals; those systems are not meant to track day-to-day inventories. The proposed 60 day window for completing the Top Screen inventory does not provide us sufficient lead time to collect the required information.

2) **Second, our campuses may be required to undertake vulnerability assessments and prepare security plans.** We expect that some universities will be asked to develop a security plan. We would like to see security plans that make sense for universities, which operate differently from industry.

Having expressed our concerns, I now want to commend the DHS for how it has already responded to our concerns. Specifically:

3) **The Department has begun working closely with the college and university community to develop a strategy for securing chemicals on our campuses in a reasonable and effective way.**

I am pleased that the DHS has agreed to establish a working group of experts from the higher education community to consider rational and efficient strategies for inventorining and securing chemicals on our campuses, consistent with the intent of the new standards. The consultation should result in a better rule, greater compliance, and less unintended disruption to teaching and research.
In conclusion, colleges and universities are committed to ensuring the safety and security of education and research on campus; we are grateful that Congress and the Administration appreciate the importance of balancing security with the needs of education and research.

Thank you again for the opportunity to appear before you and I would welcome responding to any questions you might have.