



A bold voice for transportation workers

POLICY REFORMS TO MAKE HAZARDOUS MATERIALS TRANSPORTATION SAFER

Few transportation safety issues have as far-reaching effects as the transport of hazardous materials and toxic chemicals. Strong laws and regulations surrounding the movement of these materials are essential to protecting not only workers but also the public and local communities who are risk when an accident occurs. Congress and the administration must address the pressing hazmat issues facing our transportation workers and emergency responders by reauthorizing the Hazardous Materials Transportation Act and moving forward on regulatory initiatives that will provide real reform.

Americans take for granted that federal hazmat policy directs sufficient and comprehensive training for emergency responders who show up at the scene of accidents, including those that involve hazmat spills or releases. But despite an increase in the shipment of hazardous materials across the country, particularly on freight trains, too many firefighters are not receiving adequate training due in large part to a lack of resources. When communities face budget shortfalls, training is often one of the first programs to be cut; hazmat training often becomes expendable as public officials direct the bulk of resources to fundamental fire response and EMS trainings. Congress must pass a reauthorization bill that commits adequate funding for hazmat training programs for all responding personnel. Moreover, firefighters must receive the correct type of training that matches up with their duties. Too often first responder training cuts corners or is insufficiently comprehensive to truly prepare these safety professionals for effective response. This is not an academic debate: when hazmat accidents occur the precision and skills of first responders define whether lives and property will be saved.

OSHA regulations identify five different training levels for workers who may encounter a hazmat issue on the job. The lowest of those five levels, Awareness-level training, is designed to train an individual who discovers a hazmat incident on how to alert proper authorities. A growing number of firefighters are receiving only that basic level of training instead of the higher Operations-level training, which is intended to provide firefighters with specialized mitigation skills. As a result, firefighters called to the scene have essentially been trained to do little more than dial 911 – effectively calling themselves to the scene. This is unacceptable and places not only these workers but entire communities at great risk. The hazmat reauthorization must ensure that states and localities are required to provide firefighters with at least Operations-level training. The bill must also ensure that training is provided in a format that is most beneficial to firefighters. While web-based education can be valuable under certain circumstances, it should not replace on-site training, which provides emergency responders with real-world preparation. Again, the American public expects that when first responders arrive at a serious incident like a hazmat spill they are well trained and prepared to mitigate what can otherwise be a disaster.

We also urge lawmakers to reject a proposal by the administration to combine two distinct grant programs under the Hazardous Materials Emergency Preparedness (HMEP) grant program into one: the program intended to train emergency responders and the program meant to train hazmat personnel. Currently, under HMEP, firefighters receive funding to train instructors that in turn deliver hazmat training to emergency responders. It is an extremely successful program that has increased training levels nationwide. The administration's proposal creates the potential for less funding to be awarded for training emergency responders in any given year. Considering the already-low training rates and inadequate resources, this is a risk we cannot afford to take. The training provided to firefighters under this program is extremely specialized and should not be forced to compete for funding with training programs for hazmat employees.

In its reauthorization bill, Congress must also address the growing problems that emergency responders face regarding railroad-related hazmat incidents. With the upsurge in rail traffic and the dramatic increase in crude oil traveling by rail, it is essential that emergency responders have the necessary tools and knowledge they need. At present, firefighters rely on placards and shipping records in order to identify hazardous cargo when a rail accident occurs; however, these tools have their limitations. In the event of a spill or explosion, placards can be blocked from view and shipping records can be destroyed. That is why the hazmat reauthorization must further develop and expand the use of the Paperless Hazard Communications Pilot Program established by MAP-21, which examined the impact of electronic shipping papers as a hazmat response tool. Coupled with the standard shipping papers and placards, this advanced technology will help firefighters respond swiftly and appropriately to rail emergencies while limiting personal risk to these workers who are providing the first line of defense.

Additionally, we support provisions of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) proposed crude-by-rail regulations, which would require an increase in the information available to emergency responders about the movement of such shipments. PHMSA proposes to lower the threshold that determines when rail carriers are required to prepare Oil Spill Response Plans (OSRPs). By lowering this bar, more carriers will be responsible for developing comprehensive plans, effectively ensuring greater preparation guaranteeing that firefighters have more information about hazmat trains traveling through their communities. Unfortunately, PHMSA's current regulations governing comprehensive OSRPs appear to require coordination with only private personnel and not public first responders. PHMSA should modify its proposal to require that public responders be included in the coordination and communication effort surrounding OSRPs.

We also support the continuation of the Department of Transportation's (DOT) May 2014 Emergency Order that requires rail carriers operating trains carrying one million gallons or more of Bakken crude oil to provide specified information to the State Emergency Response Commission (SERC) along their route. That advance notice is greatly beneficial to emergency responders as they prepare contingency plans in case of an accident. The DOT should expand this requirement by dictating that the carriers share this information with Local Emergency Planning Committees and local hazardous materials response units in addition to SERCs. By increasing the level of preparation and ensuring that more parties receive crucial advance notice, the damage and destruction caused by future accidents could be greatly diminished.

The TTD Executive Committee has also adopted a broad rail safety agenda that addresses a number of issues including transportation of crude-by-rail. These reforms will dramatically improve the overall safety of rail transportation and specifically will reduce the dangers of transporting hazmat.

The TTD Executive Committee has also [endorsed](#) federal measures that reduce the risks that stem from transporting lithium batteries by air. Specifically transportation labor called for regulatory action due to the proven threat that lithium batteries can self-ignite or propagate a fire. We believe that the average air traveler has no idea that this in-flight risk exists. Our government must act and the battery and electronic manufacturers must stop blocking attempts to address this issue. We call on lawmakers to include in hazmat reauthorization an explicit mandate that PHMSA must issue regulations classifying lithium batteries as a Hazardous Material (Dangerous Goods), require special packaging for shipments, restrict the total quantity of lithium batteries and their location on aircraft, and to better address batteries contained in or with equipment. The bill should also instruct PHMSA to recognize the United Arab Emirates General Civil Aviation Authority's report on the Dubai accident in 2010 as meeting the threshold to allow the Secretary of Transportation to exceed the ICAO's lithium battery transportation requirements.

Hazardous materials can be found traveling throughout our surface and air transportation system. We understand that many of these substances are critical to the economy and their transport represents an important business segment for transportation carriers. But the risks are real and the public deserves to know that the people they elect are doing everything possible to mitigate the dangers inherent in transporting these toxic substances and materials. Congress and the administration must act on a hazmat reauthorization bill that holds transportation carriers to the highest standards, raises the bar on and properly funds first responder training, protects front-line transportation employees, and ensures that federal safety policies line up with the expectations of the American people who rightfully presume that proper federal safeguards are in place and fully enforced.

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