



May 13, 2009

## **Support a Strong Hazmat Transportation Reauthorization Bill**

Dear Representative:

As the Transportation and Infrastructure Committee begins to consider legislation to reauthorize hazardous material transportation laws, I urge you to ensure that the bill protects the interests of transportation workers and promotes the safety and proper oversight of this critical industry. Attached is a policy statement that was recently and unanimously adopted by TTD's Executive Committee outlining our priorities for hazmat reauthorization.

Given the inherent safety issues associated with the handling and transport of hazardous materials, we are mystified that some in industry are once again asking Congress to preempt the Department of Labor (DOL) and its Occupational Health and Safety Administration (OSHA) from regulating the safety of hazardous materials. Congress specifically rejected this misguided proposal in 2005, but industry's insistence on rolling back DOL safety protections had delayed reauthorization for over a decade. We cannot allow these stonewalling tactics to again succeed in delaying reforms and updates to hazmat regulations.

Hazardous materials operations are currently and correctly regulated by both DOL and the Department of Transportation (DOT). This joint jurisdiction is clearly established in statute and has served to ensure that workers in this industry receive the proper safety protections. Despite claims to the contrary, these regulations are not duplicative or inconsistent and build on the expertise that each agency brings to the table. For example, OSHA regulates the handling of hazardous materials and has issued rules on employee training, requires protective gear, and mandates air quality and communication requirements at fixed facilities. DOT issues and enforces rules on the actual transport of these materials. If OSHA jurisdiction is preempted, current safety rules will disappear leaving workers in this dangerous industry unprotected.

In addition to maintaining joint OSHA and DOT jurisdiction, Congress must use the reauthorization bill to enhance and expand employee training programs. Specifically, Congress must increase funding for hazmat training programs and provide grant recipients with greater flexibility in how training funds may be used. In addition, current training programs for firefighters are limiting and do not allow for proven training methods such as direct and refresher training. I understand that a representative from the International Association of Firefighters (IAFF), a TTD affiliate, will testify tomorrow before the Railroads, Pipelines and Hazardous Materials Subcommittee and will expand on the needs of our nation's firefighters as they relate to responding to hazmat incidents. We hope the Committee will address IAFF's concerns as this bill is drafted.

Transportation Trades Department, AFL-CIO

888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • [www.ttd.org](http://www.ttd.org)  
Edward Wytkind, President • Patricia Friend, Secretary-Treasurer



This reauthorization also presents an opportunity for Congress to ensure that hazardous rail shipments are properly secured. Specifically, the bill should mandate that trains carrying hazardous materials have at least one certified engineer and one certified conductor on board, that tank cars are inspected by certified and well-trained carmen, that speed restrictions in non-signalized territory are enforced, and that better rules are established regarding the placement of hazmat cars in a train makeup.

Improved safety rules regarding the transport of lithium batteries on aircraft must also be implemented. Lithium is flammable, and a shorted lithium battery on board an aircraft can have devastating results. DOT currently prohibits the bulk shipment of lithium metal batteries in the cargo hold of passenger aircraft, and this prohibition should be extended to cargo aircraft. Rules should also be adopted to ensure crew member notification and better labeling of bulk shipment of lithium ion batteries. The Air Line Pilots Association (ALPA), another TTD affiliate, will also present testimony tomorrow to expand on the dangers that lithium batteries present and to offer solutions to this problem.

On behalf of transportation labor, I urge you to pass a strong hazardous materials transportation reauthorization bill that will protect workers and promote safety. Thank you for the opportunity to share our views and concerns. Please do not hesitate to contact me if you have any questions regarding our priorities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, cursive flourish.

Edward Wytkind  
President

Attachment