



November 4, 2009

Support the Hazardous Materials Transportation Safety Act

Dear Representative:

On behalf of the Transportation Trades Department, AFL-CIO, I urge you to support the Hazardous Materials Transportation Safety Act of 2009 when it is marked-up tomorrow and to oppose any amendments that would weaken this important bill. This bill contains needed and sensible reforms that will help protect transportation workers, emergency responders, and communities across America that are exposed to possible hazmat accidents or incidents. It is critical that the improvements to hazmat laws included in this bill remain intact and that the legislation is quickly approved by Congress.

Specifically, we are opposed to any efforts that would preempt the Department of Labor (DOL) and its Occupational Safety and Health Administration (OSHA) from regulating the safety of hazardous materials. Hazardous materials operations are currently and correctly regulated by both the Department of Transportation (DOT) and the DOL. This joint jurisdiction is critical and necessary to protect workers as they transport and handle highly toxic and hazardous substances. Despite claims to the contrary, these regulations are not duplicative or inconsistent and build on the expertise that each agency brings to the table. Congress specifically rejected industry's proposal during the last Hazmat Reauthorization debate to preempt OSHA's role, and we hope the Committee will once again defeat any challenge to the joint regulatory authority of the DOT and OSHA in mark-up.

We are also pleased that the bill includes language requiring emergency responder training to comply with existing regulations or National Fire Protection Association Standards. Our nation's emergency responders must receive appropriate and quality training to ensure a safe and efficient response to hazmat accidents or incidents. This bill also provides greater flexibility in current training programs, incorporating effective training methods such as direct delivery training. Finally, we support the minimum standards set for emergency response information services.

In the aviation sector, the transportation of lithium batteries is a serious concern. Lithium batteries are highly flammable and present a hazard for aviation workers regardless of whether they are flying on passenger or cargo aircraft. This legislation takes the right step by requiring the appropriate marking, labeling and packaging of lithium batteries. In addition, it limits the quantity of lithium batteries allowed in packages. We ask that you vote against any amendments in mark-up that seek to weaken these provisions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

Improved communication tools to enhance safety of hazardous material are also included in this bill. Physical shipping papers and even placards can be destroyed or lost in the course of regular business or in a hazmat accident or incident, thus it is important to explore an E-shipping system to serve as a back-up to current notification systems. The paperless pilot program included in this bill addresses this concern. Emergency responders as well as frontline workers in the aviation, rail, transit and maritime industries will benefit from this technology.

Transportation labor applauds the Committee's efforts to reauthorize and strengthen the DOT's Hazardous Materials Safety Program. The Hazardous Materials Transportation Safety Act of 2009 contains needed and sensible reforms that will improve the safe and efficient transportation of nearly 1.2 million shipments of hazmat each day by rail, air, sea, highways and waterways. We ask that you vote for the bill and against any amendments that may weaken the safety reforms included in the legislation. If you have any questions, please contact me or Mia Clarkson at 202/628-9262.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a large, stylized flourish at the end.

Edward Wytkind
President