



Transportation Trades Department, AFL-CIO

CONGRESS MUST INVEST IN FIREFIGHTERS TO IMPROVE RAIL, AIR SAFETY

Firefighters are essential to a functional, safe transportation system. They play a critical role in not only protecting the public, but also the transportation workers who move passengers and cargo through our air transportation systems and who carry freight, including hazardous materials, through our national rail network. From responding to the derailment of freight trains carrying hazardous materials in residential communities to suppressing fires at airports, our transportation system could not safely function without firefighters. Sadly, too often, the fire service is left ill-equipped, insufficiently trained, understaffed, and underfunded to safely respond to emergencies. This must change.

To improve public safety, we call on Congress to increase funding for firefighter hazmat training; require rail companies to provide advanced notification of hazardous materials traveling through a fire department's jurisdiction; set a minimum firefighter staffing level at civilian airports; and bring cargo plane and non-public transportation airport safety operations into parity with the regulations for commercial aircraft and airports.

Adequate hazmat training

Almost half of all firefighters across the country are not adequately equipped to respond to a hazmat incident, often due to a lack of available funding for baseline operations-level training, let alone more advanced, technician-level training. This is unacceptable and places the public and our transportation system at great risk. Firefighters are the first sets of boots on the ground at an emergency. They must be prepared and equipped to handle a hazardous materials release.

In a poor attempt to respond after the fact, Norfolk Southern opened a regional training center for first responders in Ohio, West Virginia, and Pennsylvania after firefighters from these states responded to the recent, major hazmat train derailment in East Palestine, Ohio. Hazardous materials response training must be proactively offered to first responders nationwide before derailments happen. The current training model offered by the railroads does little more than providing an awareness level of training to first responders. Firefighters must have access to hands-on, scenario-based, advanced-level training that currently is extremely limited across the country. Norfolk Southern and the other Class I railroads should work with fire service organizations – including our affiliated union the International Association of Fire Fighters – to assist their efforts in developing a comprehensive railroad emergency response training program by supplying training equipment, like rolling stock, as well as access to local railyards.

The Occupational Safety and Health Administration (OSHA) requires first responders to receive training for hazmat scenarios, which includes knowledge of assessment techniques, basic hazmat terms, and selection and usage of proper personal protective equipment (PPE). However, nearly half of personnel at fire departments surveyed by the National Fire Protection Association (NFPA) have not received this training.

Congress should ensure that first responders across the country are trained prior to responding to a hazmat release. **We believe the provisions in the bipartisan, bicameral Railway Safety Act of 2023 to increase funding for the critical Pipelines and Hazardous Material Administration (PHMSA) hazmat training grants¹ are a great first step.**

Advanced notification

When firefighters respond to a hazardous materials incident, they must be made aware of the types of hazmat cargo involved in order to have the safest and most effective response. Knowing the precise contents of every train as it moves through their communities would allow firefighters to safely respond to emergencies and mitigate dangerous hazardous materials releases following an accident or derailment. Placards and shipping records provide information to first responders on a train's cargo; however, both can be destroyed beyond recognition in an incident – as was the case in the recent East Palestine derailment where the plastic placards completely melted. In the past, the National Transportation Safety Board (NTSB) recommended rail carriers provide advanced notification to first responders of hazmat being hauled through their jurisdictions. While efforts have been made toward meeting this goal, more must be done to ensure firefighters have access to clear, consistent, timely, and adequate advanced notification of hazmat being transported through their jurisdictions. We call on Congress to pass the Assistance for Local Heroes During Train Crises Act, S. 844, that would require all railroads to alert local emergency response groups, including fire departments, in advance of hazmat being transported through their jurisdiction and provide real-time location information.

Protecting our airports

Ensuring appropriate staffing

At airports across the country, firefighters are stationed to protect aviation employees, the traveling public, the aircraft on which they travel, and the airport itself should a fire or other emergency incident occur. The Federal Aviation Administration (FAA) regulations dictate a number of criteria for these fire departments, including which airports must provide aircraft rescue and fire fighting (ARFF), firefighting apparatus minimum capabilities, firefighting agent types, agent discharge rate minimums, and response times. However, the FAA maintains no regulations on the minimum number of personnel needed to protect an airport. Instead, the FAA allows airport owners and operators to interpret the “number of trained personnel” that are needed². Some airports, including major airports that service international flights, have come to interpret this language as permitting only enough personnel to staff each vehicle with just one firefighter. NFPA standards recommend at least four firefighters on every fire engine or ladder truck responding to a house fire; we should expect no less for responding to emergencies at critical airport infrastructure.

¹ PHMSA administers the following hazmat grants: Hazardous Materials Emergency Preparedness (HEMP), Assistance for Local Emergency Response Training (ALERT), and Supplemental Public Sector Training (SPST).

² 14 C.F.R. § 139.319(i)(6)

By setting an ambiguous staffing minimum, the FAA is greenlighting airports' dangerous decision to understaff their fire departments – a decision which endangers the lives of firefighters, transportation workers, and the traveling public. To ensure the safety of all, we urge Congress to set minimum staffing requirements at civilian airports similar to those for federal fire protection at military installations³ as it reauthorizes the FAA bill this fall.

One level of safety for all-cargo operations

Despite hazmat carriage by aircraft, current FAA regulations only mandate ARFF presence at passenger airports, leaving all-cargo aviation operations – and the employees who work onboard all-cargo aircraft – vulnerable to fires, hazardous materials releases, and other emergencies. In addition, pilots who fly all-cargo should receive the same duty and rest rules and flight deck door protection enjoyed by their commercial counterparts. Congress can remedy these issues by adopting the Safe Skies Act, authorizing the installation of primary fleck deck doors for all-cargo operations, and mandating ARFF presence at all-cargo airports.

Firefighters must be heard in transportation policy making

Firefighters are an indispensable component of the surface and air transportation systems and must be treated as such; the safety of transportation workers, the traveling public, and residential communities through and over which the transportation system operates depend on the fire service. Consequently, transportation policy-making necessitates the inclusion of the voice of firefighters from start to finish. Anything short of that is derelict.

As Congress works to address rail safety and FAA reauthorization this year, the training, information, and staffing needs of firefighters who respond to transportation-related emergencies must be front of mind.

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³ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Sec. 388(a)(2) & (3)