



NATIONAL TRANSPORTATION SAFETY BOARD - **Public Hearing**

Conrail Derailment in Paulsboro, NJ with Vinyl Chloride Release

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EXHIBIT	
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Agency / Organization

International Association of Fire Chiefs (IAFC)

Title

**IAFC Proposed Findings Submission
49CFR 845.27**

New Challenges in Hazardous Materials Transportation and Incident Response

The transportation of hazardous materials is an integral part of the U.S. economy. According to the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), there are close to a million shipments daily of hazardous materials. In most cases, these hazardous materials reach their destination safely without incident. When incidents do occur, the local fire and emergency services agencies are called upon to respond in an attempt to protect the public and mitigate the incident. In many cases today's first responders face a number of new challenges in the field of hazardous materials leaving both them and the public they protect vulnerable.

A number of new alternative fuels are now powering our nation's economy. In recent years, crude oil and ethanol production continues making fuel-grade ethanol now one of the top freight rail commodities, by volume, in this country. With a different set of chemical properties, hazardous materials responders are unable to use the same tactics and equipment they are accustomed to using for incidents involving traditional petroleum-based fuels. Instead, responders must now be equipped with the appropriate equipment, firefighting foam, and tactics to respond to incidents involving these fuels.

In order to address these new challenges, the International Association of Fire Chiefs (IAFC) is working with its partners in the federal government, including the PHMSA, state and local agencies, and the private sector to develop solutions using innovative training methodologies to disseminate vital response information to the nation's fire and emergency services. In 2007, the PHMSA partnered with the IAFC to develop the National Hazardous Materials Fusion Center (Fusion Center). This program was designed to link hazmat teams and responders around the country through a data and information sharing network that allowed them to share lessons learned and effective practices based on their own experiences. The Fusion Center was budgeted at roughly \$1 million per year to bring together and support hazmat teams and responders by connecting them through a web portal and data network. The initiative allowed them to access state-of-the-art training that would prepare them to tackle new challenges in the hazmat field.

The Fusion Center also established Regional Incident Survey Teams (RIST) in every PHMSA region to gather information on lessons learned and effective practices during major hazmat incidents. RIST teams are composed of skilled and experienced hazmat responders who are invited in by the local jurisdiction after a significant hazmat incident to interview and hear directly from the responders about their experience. Based on the information gathered, the teams then develop training packages and lessons learned and publish related effective practices. Six incidents had been surveyed and a number of training packages were developed including one on chlorine.

Unfortunately, due to budget and funding constraints, funding for the Fusion Center was cut by the PHMSA in April 2011. The IAFC strongly believes that the Fusion Center was a success story and best practice, and still can be a vital component of training for first responders in hazardous materials. One of the major strengths of the Fusion Center is that it is a trusted source for information and allows local first responders, federal and state agencies, and the private

sector to share their experiences and information about emerging trends and new challenges in the hazmat field.

Over the past few years, Congress has wrestled with the issue of how to safely route hazardous materials. The IAFC supports current Federal Railroad Administration (FRA) regulations that require railroads transporting security-sensitive hazardous materials to annually perform a comprehensive analysis that will enable it to select the safest and most secure routes. The safe and secure transportation of hazardous materials should be a clear objective of the DOT. However, the IAFC historically has had concerns with some proposals to re-route hazardous materials away from major urban areas. The IAFC acknowledges the importance of protecting our major population centers. However, most major metropolitan fire departments have experienced and well-equipped hazmat teams that are better prepared to handle a serious hazmat incident than some volunteer fire departments in the surrounding rural areas. In addition, any ambitious re-routing plan would create a situation where the hazardous material in question may be required to be in transit longer increasing the odds of an incident occurring.

The IAFC supports the current FRA regulations that focus on safe and secure hazmat transportation. The IAFC is working with both the FRA and the PHMSA to improve rural emergency response capabilities. The Fusion Center has previously worked with first responder stakeholders in states such as Massachusetts, Maryland, and Louisiana to develop and conduct rural emergency response planning surveys. Those surveys were used to assist rural fire and emergency services in developing a comprehensive strategic and tactical approach for hazardous materials preparedness including transportation risk assessments and a gap analyses. Any expansion of this program would certainly improve the safety of hazardous materials that are transported through our rural communities.

The PHMSA also plays an important role by ensuring that the fire and emergency services have basic hazmat response training through its Hazardous Materials Emergency Preparedness (HMEP) Grants Program. The HMEP Grants Program is the only federally-funded grant program available solely for the purpose of training first responders in hazardous materials response and community preparedness planning. The program provides funding to the 50 states, U.S. territories, and a number of Native American tribes. Funded with fees paid by hazardous materials shippers and carriers, the HMEP Grants Program provides a total of \$28 million per year to assist state and tribal governments develop, improve, and implement emergency plans; train public sector hazardous materials emergency response employees to respond to accidents and incidents involving hazardous materials; determine flow patterns of hazardous materials through communities; and determine the need within a state for regional hazardous materials emergency response teams.

The HMEP Grants Program as structured has not been a successful program. From FY 2007 through 2010, an average of 76% of states, territories, and tribal organizations used none or only a portion of their allotted grant funds. The PHMSA recently again received unused funding back from various states which did not use the allocated funding. This is not for the lack of need but due to the structure of the program which includes limitations on how the money can be spent and the possible use of the funds for other than intended purposes. Based on the 2012 Moving Ahead for Progress legislation (MAP-21), Congress was concerned about the effectiveness of the

HMEP grant program including the use of the grant funds by recipients and the effectiveness of the training provided. The PHMSA has made changes and has attempted to place more effective controls in place. Some industry groups have been critical of the program in terms of its effectiveness and some have suggested abolishing the program. That in our view is an unacceptable solution

The key to a safe, efficient, and effective response is heavily dependent upon proper training of first responders. Their success is directly proportionate to their access to the right kind of training and the quality of that training. Appropriate funding mechanisms must be in place through the PHMSA, FRA, and the private sector to provide proper training and education for first responders who are expected to respond to rail incidents involving hazardous materials. Training should be based on the different levels for hazardous materials competencies based on NFPA 472 and OSHA 1910.20 (awareness, operations, and technician levels) and should be an integral part of any federal funding initiative. The IAFC firmly believes that current HMEP Grants Program funding must be continued and that additional funding must be allocated to help prepare America's first responders to respond to these new and emerging challenges. Any allocation of funds should include the reinstatement of funding for the Fusion Center, training to improve rural hazmat emergency response and a comprehensive approach for providing funding to locally train first responders.

As an initial step, the IAFC believes that the HMEP Grants Program should be changed to require that a fixed percentage of the annual funding be subject to a competitive process for non-profit organizations and to non-profit employee organizations demonstrating expertise in hazardous materials response planning and training. This restructuring would better prepare the response community, train first responders on special hazardous materials and nationally identify training gaps. These steps would provide a foundation by which firefighters and emergency response teams can continue to efficiently and effectively respond to hazardous material incidents in their community.