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news:



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REMARKS PREPARED FOR DELIVERY BY U.S. SECRETARY OF TRANSPORTATION BROCK ADAMS TO THE MANUFACTURING CHEMISTS ASSOCIATION CHEMICAL FORUM, WASHINGTON, D.C., MAY 9, 1978

I want to discuss with you a very troublesome transportation problem - the safe transport of hazardous materials. As the major manufacturers and shippers of these dangerous goods, I know that you share my concern and are taking steps, in conjunction with the carriers, to improve the safety record. I have often referred to transportation as the "invisible service" -- no one notices it until it doesn't work or something goes wrong. The two terrible rail tragedies involving hazardous materials have made this particular type of transportation highly visible in recent weeks and created a justified public demand for measures that will better ensure the public safety.

The public is right to be worried. About four billion tons of hazardous materials are shipped each year. That's nearly double the amount shipped ten years ago. For example, chlorine output is up 40 percent; anhydrous ammonia 55 percent. These and other products of the chemical industry are ingredients in items essential to our everyday living - heating fuels, clothing, fertilizer, plastics, and so on. These materials are transported by truck and barge - and even, on occasion, by air, but the major source of transport - estimated at 40 percent - is by rail.

We are concerned about all systems of transportation. I have directed Deputy Secretary Butchman to review all our hazardous materials regulations and prevention programs so our regulations are modern and the best we

can produce. We must identify gaps that need to be filled, and determine whether the existing regulations do what they are intended to do. He has formed a Departmental task force to do this job so we will have the practical advice of the modal administrators who must enforce regulations in the real work of transportation. I should emphasize that I do not think that you can legislate perfect safety any more than you can legislate perfect morality. In fact, I expect there are some areas where the task force will find present regulations that are unnecessary and ineffective and these we will not hesitate to change. What we want are good, effective regulations that do the job; not regulation for the sake of regulating.

Today, however, I must give special attention to hazardous materials movement by rail and the steps we are taking to improve rail safety because this is our most difficult problem area.

One of the problems is increased rail traffic over track and roadbed that in many places have become substandard. Despite the substantial Federal assistance made available to economically depressed railroads under the 1976 "4-R" Act, repairs aren't being made - and can't be made - fast enough.

For the past few years track-related accidents have been on the increase. There were 10,000 derailments last year, with track defects the largest single cause. Of particular concern to me, to the Federal Railroad Administration and - I'm sure - to this audience, there were 500 accidents involving tank cars carrying hazardous materials.

On April 7 we held a hearing to determine if the improvements called for in last October's new safety regulation (HM-144) could be expedited, without compromising their effectiveness. In other words, we had a regulation already on the books specifying an improved type of coupler, and new thermal and head protection for the larger tank cars used to transport hazardous materials. This involves 20,000 cars. To do the retrofit, and do it right, takes time. The question we had to settle was 'how much time is enough to do the job right.'

I didn't think we should interrupt the flow of fuel to homes and industry throughout the country or stop the distribution of fertilizer to farmers by pulling the cars off the tracks to do a "quick fix." In that case the cure might be worse than the disease.

To get around this problem we are providing for both short and long-term methods for increasing the safety of these cars: one, you can spray on a thermal coating to resist overheating and comply with the regulation that way; but we also recognize that putting a steel jacket over the thermal coating is better because that guards against side punctures. It takes longer but it results in a safer, stronger, more durable safeguard. And so we are allowing additional time for the installation of these jackets.

The order last fall called for two modifications:

1. Installation of new safety couplers on 20,000 pressure tank cars; and
2. Head shield protection for tank cars used to transport anhydrous ammonia; plus thermal and tank head protection for cars carrying flammable gases.

The dates specified were July 1, 1979 for the coupler modification and the end of 1981 for the thermal coating and head shield installation.

As a result of the hearing, and our subsequent technical and economic analysis, I am now recommending an abbreviated compliance schedule, as follows:

1. The coupler installations must be completed by December 31, 1978.
2. Head shields must be applied to the approximately 3,500 cars used exclusively for anhydrous ammonia, and to the some 4,000 liquified flammable gas tank cars by December 31, 1979.
3. Thermal coating must be applied to all the flammable gas cars scheduled for the "spray-on" treatment, and jacketed insulation and head protection will be applied to the remaining liquified flammable gas cars by December 31, 1980.

We are, in effect, shortening the requirement dates by six months in the case of the couplers, two years for the head shields and one year for the steel jacket installations over the thermal coating. We are also recommending that the jacketing and high temperature protection required for the 112/114 tank cars be extended to the spec 105 cars, since these cars may carry even more hazardous products - chlorine, hydrogen chloride and hydrocyanic acid. In other words, we favor full tank head protection for all the cars used to carry potentially lethal materials.

The regulations issued last October followed a \$5 million Federal Railroad Administration program of tank car research. The revised compliance schedule I am proposing today represents our best judgment on the extent to which the work can be accelerated while still achieving the long-term value of the full jacketing system which three of the four major tank car companies plan to use. The revised schedule, in my judgment, represents a reasonable approach. It establishes a tight but achievable program to bring the cars in for retrofit and to do the work. It is a schedule with no slack in it. There is an urgency to the timetable I am proposing today that the owners of the tank cars must not ignore.

Under the rule I am proposing today, the shelf coupler installations will be completed by the end of this year, and by the end of next year about 78 percent of the tank cars covered under the HM-144 retrofit regulation will be equipped with tank-head protection. To meet this accelerated schedule we are classifying this action as "emergency rulemaking" required in the public interest. The period for public comment will run through June 26 and we are planning to publish the final rule 15 days after that.

I believe rail safety should be no less important than aviation or highway safety. We're taking a number of actions to put more teeth in safety enforcement and more bite in our safety regulations. For example:

-- Fines for safety violations were up 126 percent in FY 1977 over 1976, with penalty collections totalling \$3.4 million. Collections this year should run even higher because (1) rules are being enforced more vigorously and (2) we're not letting railroads drag their feet in settling the claims filed against them.

-- Since January 1, we have charged the railroads with nearly 250 violations for a total assessment exceeding \$7.8 million. We are giving particular attention to track safety standard violations.

-- We are also cracking down on hazardous materials violations. These were once treated as criminal cases, and in the busy criminal court system, had a low priority. But, the more comprehensive regulations issued last year by the Materials Transportation Bureau made infractions subject to civil as well as criminal sanctions, and the FRA Chief Counsel is now proceeding to be certain we are obtaining compliance. Since January 1 of this year 26 violations have been filed against shippers and more than 100 against carriers.

-- Last winter we ordered a 130-mile section of the Illinois Gulf Central Railroad main line in Missouri closed because vegetation had tangled the communication lines causing false signals to be transmitted. The order was rescinded when a crew cleared the lines. Ten days ago, however, we directed the New York, Susquehanna and Western Railroad not to carry hazardous materials over its Northern New Jersey lines until the track there is brought up to minimum safety standards.

-- Following a special safety inquiry and a hearing last March, we issued an emergency order restricting the use of freight cars with high carbon steel wheels, the type found at fault in the Waverly, Tennessee derailment.

We have also found that freight cars owned by Trailer Train Company were involved in a disproportionate number of derailments last year. Trailer Train Company has about 78,000 cars, 4.6 percent of the national fleet. Yet the company's cars accounted for 17 1/2 percent of all derailments due to wheel deficiencies. We are looking into this situation to determine the reason and propose an effective remedy.

-- In other actions, we are developing a carrier performance profile which will give us a print-out of each railroad's accident record, compliance record and history of defects. We are asking for a 40 percent increase in the number of FRA track inspectors authorized. And we are continuing to give safety R&D the highest priority of all our research and development programs.

In focusing especially on the safe handling of hazardous materials, we are moving from an almost exclusive emphasis on containment to an equal emphasis on accident response. In other words, those who cope with emergency situations involving potentially hazardous cargoes must know what they're dealing with and how to handle the problem.

Finally, we hope the industry - both the shippers and carriers - will take increasing responsibility for accident prevention. In this connection I want to commend the Manufacturing Chemists Association for the very excellent and vital service you perform through the CHEMTREC emergency information and response system. Over the past seven years CHEMTREC has handled 60,000 calls and provided support in more than 10,000 situations involving chemical accidents. We are doing more to assure that CHEMTREC'S capabilities and phone numbers are known to police and fire departments nationwide, and I am pleased that MCA is sponsoring a series of workshops to make emergency response procedures more widely known.

In conclusion, I can assure you that we are committed to taking every action necessary to reduce the number of rail accidents, especially those involving hazardous materials. I believe that the safety measures included in the retrofit program now underway should be at least 95 percent effective in eliminating serious lading accidents involving pressure tank cars. Our further job - yours and mine - is to bring rail safety as close to the 100 percent mark as is technically and humanly possible.

Our Federal Rail Administrator, John Sullivan, is - I assure you - a 'bear' on safety. He can be tough in filing charges and assessing fines, as many railroad executives are finding out. And Ray James, FRA Chief Counsel, isn't bashful about prosecuting.

So we have a good team. We mean business. We want to be fair, but we intend to be tough. We are going to have a better, safer, rail system in this country. We're pleased that you are working with us to achieve that goal.

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