

EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY ACT OF 2004

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MARKEY. Mr. Speaker, today I am introducing the "Extremely Hazardous Materials Transportation Security Act of 2004", a bill to improve safety within our system of transporting dangerous chemicals by rail, truck or other vehicle as part of daily commerce in the United States. The bill is cosponsored by Reps. MCCARTHY of Missouri, Rep. GRIJALVA of Arizona, Rep. CASE of Hawaii, Rep. OWENS of New York, Rep. LEE of California, Rep. TIERNEY of Massachusetts, and Reps. JACKSON-LEE and GONZALEZ of Texas.

The terrorist attacks of September 11, 2001, have led to significant changes in the level of attention paid to safety and to anti-terrorist measures in this country. Nevertheless, every day tank cars pass through our urban centers that carry enough chlorine to kill 100,000 people in half an hour. Although some of these shipments must travel the routes they are currently using, others could easily be safely rerouted.

We already know that these shipments are attractive terrorist targets. An Ohio-based Al Qaeda operative has already been arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in DC. And in April, just north of downtown Boston, a railroad tank car carrying 20,000 gallons of hydrochloric acid started to leak close to the Sullivan rapid transit station and just yards away from I-93, causing major chaos to the morning commute. Had that incident been a successful terrorist attack rather than an accident that harmed no one, many lives could have been lost.

The bill we are introducing today would require additional security measures for all shipments of extremely hazardous materials, and also calls for the re-routing of extremely hazardous materials shipments going through areas of concern if there is a safer route available, and if the shipment's origination or destination is not located within the area of concern.

Specifically, it would require:

- physical security measures surrounding shipments of EHM such as extra security guards and surveillance technologies
- pre-notification of EHM shipments for law enforcement authorities

- coordination between Federal, State and local authorities to create a response plan for a terrorist attack on an EHM shipment

- the use of currently available technologies to ensure effective and immediate communication between shippers of EHM, law enforcement authorities and first responders

- re-routing of shipments of EHM that currently travel through areas of concern (as defined by the Secretary) only if there is a safer route available, and only if the shipment's origination or destination is not located within the area of concern

- training for employees who work with EHM shipments

- whistleblower protections for those disclosing violations of security rules or regulations

civil and administrative penalties for those who fail to comply with the regulations

I am attaching a letter of support for this bill from Chief Carter of the Massachusetts Bay Transportation Authority (MBTA) Police. While this letter addresses a particular hydrochloric acid spill that occurred April 14 in the Boston area, it is indicative of the difficulty and danger that extremely hazardous chemical shipments can pose to our first responder community wherever they live and work. It has also been endorsed by Greenpeace, Clean Water Action, Friends of the Earth, National Environmental Trust, the Public Interest Research Group, and 14 chemical companies.

I urge my colleagues to join me in seeking to upgrade our defenses in this area so that none of our constituents are ever exposed to a catastrophic chemical release simply because we failed to take these simple steps.

MBTA POLICE,

Boston, MA, July 12, 2004.

Re H.R. _____, *A Bill to Direct the Secretary of Homeland Security to Issue Regulations Concerning the Shipping of Hazardous Material Within, Through, or Near Regions Designated by the Secretary as Areas of Concern*

HON. EDWARD MARKEY,

House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR CONGRESSMAN MARKEY: Thank you for inviting me to review and comment upon the proposed H.R. _____ which would direct the Secretary of Homeland Security to draft regulations concerning transportation of hazardous materials through or near geographic areas of concern. I offer my full support for the bill.

The proposed bill provides a critical framework to strengthen the security of the now extremely vulnerable hazardous material shipment process. Its passage would create reasonable regulation over who is transporting dangerous shipments, how they are transported, and where they are allowed to travel. This bill is but one part of a larger, ever developing process of securing the safety of our citizens and protecting our municipalities.

Public mass transit and cargo transport are the most critical systems of commerce in the United States of America. In Boston, Massachusetts alone, every day, over six hundred thousand persons utilize the Massachusetts Bay Transportation Authority's (MBTA) system of buses, subways, commuter rail, water shuttles, and para transit services. Each of those persons, and many who do not use mass transit, live, work and travel in close proximity to modalities which constitute hazardous material transport in the form of freight trains, rail tankers, tractor trailers, and harbor bound ships. Each of those forms of transport poses a unique and disturbing challenge to public safety agencies in preventing either an accidental or intentional discharge of dangerous cargo into the local environment.

For example, on April 14, 2004, a railroad tanker car carrying twenty thousand (20,000) gallons of hydrochloric acid developed a leak while passing quite literally within yards of the Sullivan Square MBTA subway station. This accident required the immediate response of virtually the entire resources of the MBTA Police Department's working officers to monitor pedestrian and vehicle traffic in and around the station. Also, the resources of the Boston Police Department, Fire Department, and Emergency Medical Services were put to the test in managing traffic, containing the leak, off-loading the remaining cargo, and identifying persons who may have been injured by exposure. For

virtually the entire day, the transit infrastructure and most critical city services were critically impeded. Perhaps the most troubling part of that incident is that every day similar cargo is transported on the same rail cargo line, immediately adjacent to commuter rail lines and roadways with no regulation or prior warning of the potential hazard.

Amazingly, no one was injured or killed as a result of the April 14 leak, but the incident pointed to a threat to the safety and lives of our citizens. Every day, across our nation, local residents are exposed to potential harm by passage through their communities of unknown and unregulated cargo, chemicals, and hazardous materials. Mass transit modalities share rail lines with dangerous cargo trains; highways and urban centers routinely see cargo trucks and tankers alongside cars, school buses, and public buildings; and working harbors, like Boston and New York, receive huge tankers of liquefied natural gas or similarly volatile cargo. There is, however, no framework to uniformly identify and secure the extremely vulnerable hazardous material shipment process.

In the shadow of the events of September 11, 2001, we in the law enforcement professions have had to refocus our efforts from crime prevention to include identification of weaknesses in local infrastructure that lends itself to either accidental or intentional harm. Part of the difficulty is that we are hardly ever forewarned, nor do we have the authority to control the hazardous substances that travel through our communities.

In closing, thank you for inviting my comments on this important issue. Please be assured of my continued support for your efforts on behalf of the Commonwealth of Massachusetts and the United States of America.

Sincerely,

JOSEPH C. CARTER, Chief.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the floor during rollcall votes 360 (Hefley amendment to H.R. 4755), 361 (Sherman motion to recommit H.R. 4755), and 362 (H.R. 4755 final passage), taken last night. Had I been present, I would have voted "no" on rollcall votes 360 and 361 and "aye" on rollcall vote 362.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MOORE. Mr. Speaker, on July 12, 2004, my flight was delayed due to inclement weather causing me to miss rollcall vote Nos. 359 and 360, the Holt and Hefley amendments to the legislative branch appropriations bill, H.R. 4755. The Holt amendment would increase funding for the General Accounting Office (GAO) to establish a Center for Science and Technology Assessment within the GAO. The Hefley amendment would reduce all of the discretionary appropriations in the bill by 1 percent. Had I been present, I would have voted "yea" on the Holt amendment and "nay"

on the Hefley amendment. Please let the record reflect how I would have voted.

TRIBUTE TO MSGT BENJAMIN R.
McCLELLAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Master Sergeant Benjamin R. McClellan upon his retirement from the United States Air Force.

MSGT McClellan has served our Nation with honor and distinction for over 20 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment. He entered into the United States Air Force in December of 1983, and attended his basic training at Lackland Air Force Base, TX. He has served our country in many capacities through the years but has finished his career as the NCOIC of Wing Protocol for the 509th Bomb Wing at Whiteman Air Force Base, MO.

MSGT Benjamin McClellan graduated summa cum laude from Friends University in Wichita, KS, with a Bachelor of Science Degree in Organizational Management and Leadership. He is currently completing his Masters of Business Administration from the University of Phoenix, Kansas City, MO.

MSGT McClellan's awards include the Air Force Meritorious Medal with one oak leaf cluster, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Achievement Medal with three oak leaf clusters, the Good Conduct Medal with five oak leaf clusters, the Military Outstanding Volunteer Service Medal, and the National Defense Service Medal.

Mr. Speaker, I am certain that my colleagues will join me in wishing MSGT McClellan all the best. We thank him for over 20 years of service to the United States of America.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE GRUNDY COUNTY AGRICULTURAL DISTRICT FAIR

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. WELLER. Mr. Speaker, I rise to recognize both the 100th anniversary of the Grundy County Agricultural District Fair held each year near Morris, Illinois as well as the local agriculture community which has so strongly supported the Fair over the decades.

Founded in 1904 in the Village of Mazon, Illinois on the southern end of Grundy County, the Fair originally featured horse shows, baseball games and dinners served by the Mazon Congregational Church.

The Fair grew rapidly in popularity and soon became the center of entertainment for everyone in Grundy County with horse races, livestock shows, good food, dancing, talent shows and many types of plain, wholesome family fun.

As the years went by, automobile racing gradually supplanted the traditional horse races, especially with the advent of Midget auto racing which became very popular during the late 1930's and continues to this day. Auto race tracks grew larger and replaced horse racing tracks. Eventually, the Fair outgrew its Mazon, Illinois site and moved to its present location north of the City of Morris, Illinois where the Grundy County Speedway, a one-third mile paved oval track became part of the fairgrounds.

A century later, along with the auto racing, the Grundy County Agricultural District Fair still retains its agriculture and family oriented emphasis. Beef and dairy cattle, sheep, swine, rabbits and poultry along with field crops, fruit and vegetables still combine with country music, carnival rides and even the Miss Grundy County Fair Pageant to provide outstanding family entertainment.

In closing, Mr. Speaker, let me pay tribute to the generations of farm families, hard-working Fair Department Superintendents, dedicated County Fair Board members and outstanding volunteers who have built and nourished the Grundy County Agricultural District Fair through the past century. Their commitment has truly provided the Grundy County community with a century of wonderful family entertainment.

PAYING TRIBUTE TO GORDON
HILL

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. MCINNIS. Mr. Speaker, I solemnly rise today to pay tribute to the life and memory of Gordon Hill of Glenwood Springs, Colorado. Recently, Gordon passed away at the age of eighty-seven. He will be remembered for his dedication and service to our country as an officer during World War II, and as an employee at the Bureau of Reclamation. As his family and friends mourn his passing I would like to recognize his life and accomplishments before this body of Congress and this nation today.

Gordon was born and spent much of his childhood in cities along Colorado's Front Range. After receiving a civil and irrigation engineering degree from Colorado A&M College, he went to work for the Tennessee Valley Authority. During the Second World War, he bravely answered his nation's call to serve and joined the United States Navy as an officer in the Civil Engineering Corps where he served in the Pacific Theatre. After the war, Gordon remained in the military as a member of the reserve corps.

After the war, Gordon began his work for the United States Bureau of Reclamation until his retirement in 1973. During his years at the Bureau, he held positions as a project planner, a construction supervisor and contract administrator. Working and living in several different towns throughout Colorado, Gordon provided leadership on the Colorado-Big Thompson dam and Ruedi dam projects. Gordon had a very large and loving family including several children, numerous grandchildren and great-grandchildren. Upon his retirement, he moved to Glenwood Springs, which provided opportunity to be close to much of his family and a

nice environment for him to pursue his seasonal outdoor activities. These hobbies included: golf, hunting, skiing, gardening, fishing and swimming.

Mr. Speaker, I am privileged to share with you the legacy of Gordon Hill. His love for his family, his country, and the outdoors were all apparent, in his life and his deeds. He was a dedicated servant toward the betterment of this nation, and I ask my colleagues to join me in sending my condolences to Gordon's family and friends.

HONORING SANDRA FELDMAN ON
HER RETIREMENT FROM THE
AMERICAN FEDERATION OF
TEACHERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing a resolution honoring Ms. Sandra Feldman upon her retirement from the presidency of the American Federation of Teachers (AFT). She is stepping down from this position at the AFT's annual convention later this week. Ms. Feldman has been a tireless advocate for improving the quality of teaching in our schools.

Ms. Feldman was born in New York City and is a product of its public schools. She is a former 2nd and 3rd grade teacher at PS 34 in Manhattan. She began her career advocating for children and better learning outcomes during the 1960's civil rights movement. Ms. Feldman was elected to the presidency of the United Federation of Teachers, the New York City affiliate of the AFT, in 1986. She subsequently was elected to the presidency of the AFT in 1997.

Ms. Feldman has brought this diverse background and her valuable experiences together to be a force for education reform. Ms. Feldman's leadership at both the UFT and AFT helped define national education reform efforts as they developed and grew in the 1980s and 1990s. Her work helped shape the standards movement and brought accountability for results back to education.

Ms. Feldman is probably best identified as being a stalwart champion of increased teacher quality. Better than anyone, Ms. Feldman knows the importance of a highly qualified teacher, especially for the most disadvantaged children. While improving the working conditions and benefits of her membership, she also asked for better results and higher qualifications. A well qualified teacher is the most important element in a successful learning experience. Sandra Feldman's leadership at AFT has only reinforced this important fact.

Despite her retirement, I am confident that her services will continue to be sought after on numerous panels and task forces to improve educational outcomes. Very simply, her service to both her membership and the children of America has been immeasurable.

The resolution I am introducing today honors Sandra Feldman on her retirement from the presidency of AFT. Despite her leaving this position, I am confident that her expertise and skill will continue to positively impact teaching and learning for years to come.