

Senator Biden Floor Amendment Re-Routing Rail Transport of High Hazard Materials

According to security experts, toxic-by-inhalation chemicals present a mass casualty terrorist threat rivaled only by nuclear devices, certain acts of bio-terrorism, and the collapse of large occupied buildings. According to Richard A. Falkenrath, a former homeland security advisor to President Bush, this threat stands out “as acutely vulnerable and almost uniquely dangerous.”

The Homeland Security Council released a report in July 2004 indicating that an explosion, in an urban area, of a rail tanker carrying chlorine could kill up to 17,500 individuals and could require the hospitalization of nearly 100,000. An analysis by the Naval Research Laboratory found that if an attack occurred in densely populated areas “over 100,000 people could be seriously harmed or even killed in the first half hour.”

The vulnerability of chlorine shipments is well-known. A FBI specialist on Weapons of Mass Destruction has stated that “it’s far easier to attack a rail car full of toxic industrial chemicals than it is to compromise the security of a military base and obtain these materials.” And, the danger of hazardous chemicals has not been lost on Iraqi insurgents. In recent weeks, they have used chlorine canisters in attacks that have killed and injured hundreds of civilians. According to a Defense analyst, this is part of the normal “evolution of sophistication” in attacks.

Despite this threat, we continue to allow 90-ton rail tankers containing chlorine and other hazardous chemicals to role unprotected through high threat and high population urban areas. While the rail industry has an excellent safety record, it is well known and acknowledged by the Department of Transportation that chemical shipments are particularly vulnerable to intentional sabotage while in transit.

Local leaders around the nation are concerned about this threat and because the federal government has failed to act, many cities are considering local regulations to ban these shipments. Instead of a piecemeal approach that would unreasonably disrupt the free-flow of commerce, we need a national strategy on how we collectively deal with the most dangerous shipments.

Amendment # 306 would take the common sense step of re-routing the most dangerous chemical shipments away from high threat corridors where intentional attacks are more likely and more casualties possible.

Specifically, the amendment would require the Secretary to re-route high hazard chemicals (roughly .36% of all shipments) away from our population centers and other high threat areas unless certain exceptions apply, including,

- The point of origin or destination is in the high threat corridor;
- No practical alternative routes exist;
- Emergency circumstances; or
- Re-routing would increase the likelihood of an attack.

In determining whether there is a practical alternative route, the Secretary must consider whether interchange agreements (utilizing other operator's rail lines) are available. These "interchange agreements," are routinely used by the railroads every day when it is in their economic interest to do so.

Amendment # 306 also requires the Secretary of Homeland Security to develop protocols to notify local officials if hazardous materials are being shipped through their cities and to develop coordinated response plans in the case of a release of hazardous materials.

We often hear that 9/11 changed everything; Amendment # 306 will ensure that we recognize this new reality and takes straight-forward, common-sense steps towards making us safer from one of the most glaring vulnerabilities threatening our communities.