GREENPEACE
702 H Street, NW, Suite 300, Washington, DC 20001
Tel: 202-462-1177 ● Fax: 202-462-4507
1-800-326-0959 ● www.greenpeaceusa.org

January 23, 2004

Robert L. Flanagan, Secretary
Maryland Department of Transportation
7201 Corporate Center
Hanover, Maryland 21076

Dear Secretary Flanagan,

As you know, MARC trains routinely travel side-by-side with CSX freight trains – trains that often carry ultra-hazardous cargo such as chlorine and ammonia. The lines carrying these freight trains also cross over and run adjacent to MARC stations, including Union Station in Washington, D.C. The December 18, 2003 CSX derailment of a train carrying hazardous materials through the Washington, DC metropolitan area (Northern Virginia) and the December 21, 2003 raising of the national threat level to High (Code Orange), are sobering reminders of the seriousness of these risks.

Over the past two years we have repeatedly urged the U.S. Department of Transportation (DOT) to implement an immediate ban on the shipment of hazardous materials through highly populated areas, such as Washington, D.C. To date, the DOT has taken no action to permanently stop these shipments.

The anti-terrorism "Hazardous Materials Transportation Initiative," announced by Attorney General John Ashcroft and DOT Secretary Norman Mineta on September 30, 2003 is wholly inadequate. By focusing almost exclusively on illegal shipments, this initiative ignores the lion's share of risks posed by the legal transport of more than 800,000 hazardous materials shipments within the U.S. each day.

For the safety of the thousands of travellers who ride MARC every day, we urge you to support and endorse a bipartisan bill (B15-0525), introduced on October 21, 2003 by D.C. City Council members Kathy Patterson, David Catania and Carol Schwartz. The Terrorism Prevention and Safety in Hazardous Materials Transportation Act of 2003 regulates the transport of large quantities of hazardous materials through Washington, D.C. and will help to remove the threat to residents and commuters posed by rail cars carrying toxic chemicals.

The Problem

Imagine an afternoon rush hour on Capitol Hill. Thousands of people are walking home from work, heading to Union Station or caught in traffic, when suddenly they are unable to breathe or even open their eyes. An instant later they collapse, unable to even call for help -- thousands dying by the minute of pulmonary edema, drowning in their own lung fluid.

How could this happen in Washington, D.C.? Every day, freight trains are allowed to bring 90-ton tank cars of hazardous chemicals through the middle of the city, just four blocks from the U.S. Capitol. Greenpeace and other groups have documented the shipment of dangerous materials slowly rolling through the city. The transport of extremely toxic chemicals such as chlorine, ammonia, phosphoric acid and molten sulfur has been witnessed first-hand.

The shipments of these materials through Washington, D.C. and other cities is only momentarily curtailed during VIP events such as the State of the Union and the September, 2003 NFL/Britney Spears extravaganza on the Mall. This simultaneously acknowledges the threat these shipments pose while continuing to gamble with the lives of millions of Americans on a daily basis.

On August 7, 2003 D.C. residents were given a preview of these threats when a leaking tank car on the Capitol Hill released just six gallons of sodium hydroxide on CSX tracks, snarling rush hour traffic.

Experts agree that these shipments should now be regarded as weapons of mass destruction due to their almost complete vulnerability to terrorist attacks.

A senior scientist at the Naval Research Laboratory, testifying before the D.C. City Council on October 6, 2003 estimated that more than 100,000 people are at risk within just the first 15 to 30 minutes of a catastrophic accident or attack. He warned that "lethally exposed people can die at the rate of 100 per second." Previously, the U.S. Army Surgeon General estimated that 2.4 million people could be killed or injured in a terrorist attack on a U.S. chemical facility. In addition, the Brookings Institute found that U.S. chemical plants represent the third highest risk of fatalities from possible terrorist attacks.

In June, 2003 an FBI specialist on weapons of mass destruction, addressing a chemical industry conference on homeland security, warned, *"You've heard about sarin and other chemical weapons in the news. But 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."*

In October, 2003 an alleged al Qaeda "scout" was sentenced to 2O years for planning to derail trains in or near Washington, D.C. and sever cables on the Brooklyn Bridge. The impossibility of guarding every mile of railroad is vividly illustrated by the ubiquitous presence of graffiti on railroad cars, tunnels and walls.

Exotic weapons are not necessary to inflict serious damage. The .50-caliber rifle is a frightening example of a legal weapon that may pose a threat to these transportation targets. The Violence Policy Center has produced sobering reports (available on its web site, www.vpc.org) showing not only that this rifle has the ability to penetrate fuel tanks but that also al Qaeda may have purchased one.

The U.S. Environmental Protection Agency (EPA) and chemical industry standard scenario for a "worst-case" accident involving a 90-ton rail car of chlorine assumes a disaster zone with a fourteen-mile radius. With the Capitol Hill freight line as ground zero, census data show that 2.4 million area residents, plus the Capitol and the White House, are within this zone.

This scenario is not unlike the 1984 tragedy in Bhopal, India, in which 8,000 people were killed within three days by a catastrophic leak at a Union Carbide plant. A terrorist attack of the magnitude and scope of September 11th on multiple rail cars could result in far more casualties.

In fact, of the 112 worst-case disaster scenarios submitted to the EPA by chemical facilities, 68 percent involve 90-ton tank rail cars of chlorine. These 112 facilities in 25 states each threaten a million or more people.

Chlorine was the first chemical weapon used in modern warfare, killing thousands in World War I. According to a December 2000 Argonne National Laboratory report, there are more than 100,000 rail shipments of chlorine in the U.S. every year.

The Argonne National Laboratory report warned the DOT:
"…the failure to identify and evaluate opportunities to reduce the risks from these types of relatively rare accidents could ultimately lead to thousands of fatalities, injuries, and evacuations."

Toxic chemicals such as chlorine are referred to by the DOT as "toxic by inhalation" (TIH). Of the 150 most heavily shipped chemicals, Argonne identified only 10 as TIH chemicals. All of these TIH chemicals have safer alternatives to virtually all of their uses.

<u>The Solution</u>
Prevention is more than just a slogan in addressing this threat. The futility of relying solely on emergency response was underscored in an August 2003 report that found that a majority of the D.C. fire and EMS departments' hazardous-materials teams had failed an exam testing their competency in responding to emergencies, including chemical or biological attacks.

Shortly after the September 11th attacks, Washington, D.C. recognized that the Blue Plains sewage treatment plant posed a threat to hundreds of thousands of residents. The plant manager said he couldn't sleep at night worrying about the facility's vulnerability to terrorists. He knew there were <u>seven</u> 90-ton rail cars of chlorine stored on site. As a result, the city expedited the substitution of chlorine with safer chemicals. At a cost of only $.50 more per customer per year, the city eliminated the possibility of such a tragedy. There is no reason to ship chlorine into D.C. now, but still chlorine and many other substances are routinely shipped through D.C. to facilities elsewhere.

Within a month following the September 11 attacks, U.S. and Canadian railroads imposed a moratorium on shipping "poison by inhalation" chemicals such as chlorine. Unfortunately, that moratorium lasted only 72 hours. To date, no DOT regulations currently prohibit the routine shipment of these materials through Washington, D.C. or other highly populated areas.

While safer alternatives exist for chlorine and virtually all other TIH chemicals, the most immediate solution to the current transportation risk is to permanently re-route these shipments around densely populated cities.

The bill currently before the D.C. City Council provides a short-term solution for the Nation's Capital. The Terrorism Prevention and Safety in Hazardous Materials Transportation Act of 2003 prohibits the transport of large quantities of dangerous chemicals unless:

- There is no practical alternative route.
- The ultimate destination is an approved facility located in D.C.
- An emergency requires passage through D.C.

For the safety of your employees and customers, we urge you to support B15-0525 and speak out as Secretary for the Maryland Department of Transportation in favor of this measure.

For the long-term, chemical facilities must also begin an orderly conversion from obsolete hazardous chemicals to safer available materials over the next few years. In all but a few cases, safer technologies and chemicals are already widely in use. It is unconscionable for industry to place millions of Americans at undue risk, while claiming that 100-year-old toxic chemicals are "necessary" in a 21st century world.

If you have any questions, please feel free to call me at (202) 319-2445. You can also get more information on this important issue by visiting our web site at www.greenpeaceusa.org/toxics.

Thank you for your prompt attention to this urgent matter.

Sincerely,

Rick Hind, Legislative Director
Greenpeace Toxics Campaign
(202) 319-2445
(202) 413-8513 (cell)
rick.hind@wdc.greenpeace.org