

**U.S. Chemical Safety and
Hazard Investigation Board**

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Office of Recommendations



Magdy El-Sibaie, PhD
Associate Administrator for Hazardous Materials Safety
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Dr. El-Sibaie:

I am writing regarding an outstanding recommendation that the U.S. Chemical Safety and Hazard Investigation Board (CSB) issued to the Department of Transportation (DOT) in June 2007 pursuant to the publication of our Safety Bulletin, "Emergency Shutdown Systems for Chlorine Transfer" (enclosed for your reference). The text of that recommendation is as follows:

Recommendation No. 2005-6-I-LA-R1:

Expand the scope of DOT regulatory coverage to include chlorine railcar unloading operations. Ensure the regulations specifically require remotely operated emergency isolation devices that will quickly isolate a leak in any of the flexible hoses (or piping components) used to unload a chlorine railcar. The shutdown system must be capable of stopping a chlorine release from both the railcar and the facility chlorine receiving equipment. Require the emergency isolation system be periodically maintained and operationally tested to ensure it will function in the event of an unloading system chlorine leak.

In my December 17, 2012, letter (also enclosed for your reference), I requested that you advise us by March 1, 2013, of actions that DOT has taken, or plans to take, to fulfill the intent of the CSB's recommendation, and that you provide an estimated timetable for the completion of any actions planned. To date, we have received no response to this inquiry.

Staff are also concerned that the Pipeline and Hazardous Materials Safety Administration's (PHSMA's) recently published Advanced Notice of Proposed Rulemaking (78 FR 54849, September 6, 2013) announcing potential revisions "to improve the regulations applicable to the transportation of hazardous materials by rail" did not include a plan to address the CSB's recommendation, though four recommendations issued by our sister agency, the National Transportation Safety Board, are mentioned in this proposal.

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As you may recall, the Board also submitted comments on March 11, 2011 regarding PHSMA's Notice of Proposed Rulemaking regarding cargo tank motor vehicle loading and unloading operations (76 FR 13313, March 11, 2011). The Board was concerned that though the notice referenced the CSB's recommendation, PHSMA's proposed requirements did not address safety needs for loading and unloading operations involving chlorine railcars, which was the focus of our recommendation. I have enclosed a copy of our comments for your reference.¹ We received no response.

CSB Recommendation No. 2005-6-I-LA-R1 is now more than five years old, and the Board remains concerned by the absence of federal DOT requirements for emergency shutdown systems during chlorine railcar unloading operations. Incidents involving chlorine railcars, while relatively rare, can have catastrophic consequences, as was demonstrated all too clearly in Graniteville, South Carolina, in January 2005, when the derailment of three chlorine railcars killed 8 people, injured hundreds, forced a multi-day community evacuation, and resulted in damages exceeding \$6.9 million.² The Board maintains that effective emergency shutdown systems on chlorine railcars are essential to major chlorine releases and their consequences, and we urge DOT to take action on our recommendation.

Because we have attempted to communicate with your agency several times concerning this matter, I am writing with one final request that DOT advise us of its plans to address this recommendation. If we do not receive a response from you or another authorized DOT representative by **Friday, January 6, 2014**, our internal policies will obligate us to recommend that the Board designate the DOT's inaction on this recommendation as an "Unacceptable Response."

Please note that the Board alone makes decisions concerning the status of CSB recommendations and it has not yet acted on this case. If you have any questions or concerns, please contact Ms. Christina Morgan, Recommendations Specialist, at 202-261-7642 or Christina.Morgan@csb.gov.

Thank you for your attention to this important matter. I look forward to your reply.

Sincerely,

Rafael Moure-Eraso, PhD, CIH
Chairperson

¹ This comment is also available in your electronic docket at <http://www.regulations.gov/#!documentDetail;D=PHMSA-2007-28119-0101>.

² Source: National Transportation Safety Board Accident Report. Available at: <https://www.nts.gov/doclib/reports/2005/RAR0504.pdf>.

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Enclosures (3)

cc: U.S. Department of Transportation Docket Management System (Docket No.
PHSMA-2012-0082 (HM-251))
Daniel Horowitz, Managing Director, CSB
Christina Morgan, Recommendations Specialist, CSB