

Statement of the Honorable Corrine Brown
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on
“Reducing Regulatory Burdens and Ensuring Safe Transportation of Hazardous
Materials”
April 12, 2011

Thank you for holding this important hearing on the reauthorization of the Department of Transportation’s (DOT) hazardous materials safety program. Last Congress, when I was Chair of this Subcommittee, we conducted an extensive investigation along with the DOT Inspector General which raised some serious safety concerns within the agency. I am happy to be here today to hear from PHMSA and other stakeholders to see how the program is doing, how they have made it safer; and what we need to consider as we work to reauthorize this important safety program.

SAFETEA-LU made a number of significant changes to the hazardous materials safety program. The law provided DOT with enhanced inspection authority. Last time we had PHMSA in this room to testify, I raised concerns with the number of inspectors it had. In 2009, PHMSA had just 35 inspectors to monitor entities all over the country. Today, I understand they are up to 51, which I believe will go a long way to conduct more adequate inspections and to help ensure compliance with the regulations. Yet, I believe there is still room for improvement as we look to reauthorize this program; 51 inspectors for 300,000 entities is not a lot.

SAFETEA-LU also strengthened training requirements and doubled funding for fire fighter training programs. The Hazardous Materials Emergency Preparedness grant program is critically important for training fire fighters and other workers on how to respond to accidents and incidents involving hazardous materials. PHMSA estimates that the program provides more than two million emergency responders with initial training or periodic recertification training. As we look towards reauthorization, I think it is important to continue this program and to ensure that the level of training these fire fighters and other hazmat workers are receiving is adequate.

I look forward to hearing from PHMSA today about what changes they have made to the special permits and approvals program, the subject of our investigation just two years ago. During our investigation we discovered that the agency was not reviewing an applicant's safety record before issuing these exemptions from safety regulations; it did not follow up on unreported incidents; and in many cases it did not know whether a carrier was even authorized to transport hazardous materials. At the time, PHMSA was issuing an alarming number of special permits, or exemptions, from important safety regulations and provided little to no oversight of the program.

Special permits and approvals are not a right – but a privilege for carriers to be exempt from certain hazmat regulations. In law, safety is mandated to be PHMSA's highest priority. We need to make sure that there is sufficient oversight over this program and that exemptions are not just blindly handed out to individuals or trade associations. Safety background reviews and "fitness" determinations are a critical part of making this program a success – so that while commerce is not hindered, safety is not compromised.

I would like to state for the record that I think it would have been appropriate for the DOT Inspector General to testify before us today – to discuss their investigation and recommendations as well as what progress PHMSA has made and what remains left to do. I would ask unanimous consent to submit for the record a copy of the DOT IG's report and a copy of the Committee report on its investigation and findings.

With that, I thank the witnesses for appearing before our Subcommittee today; I look forward to hearing your testimony.