

STATEMENT OF HOWARD J. DUGOFF, ADMINISTRATOR,
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BEFORE THE SUBCOMMITTEE ON SURFACE
TRANSPORTATION OF THE COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION

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It is my pleasure to appear before this Committee today to discuss our Fiscal Years 1982 and 1983 authorization levels for the hazardous materials transportation program of the Research and Special Programs Administration (RSPA). I am accompanied by Mr. Leon D. Santman, the Director of the Materials Transportation Bureau of RSPA.

As the members of the Committee are certainly aware, the President has thoroughly reviewed the entire Federal budget and submitted to Congress on March 10 a proposed amendment calling for widespread and substantial spending cuts. The authorization of \$8,332,000 for Fiscal Year 1982 about which we are speaking has been approved by the Administration.

Our budget request to Congress last year reflected our determination to upgrade our Hazardous Materials Transportation Safety Program within responsible spending limits. Although the Congress did not complete an Fiscal Year 1981 authorization bill, our request for appropriations, based on the same planning proposals, was approved and we have begun to implement important program improvements.

Federal/State Relationship

In carrying out our mandated responsibilities, we are keenly aware of the economic and social impacts of our actions. As a consequence, our programs are predicated upon a carefully circumscribed Federal role and strong complementary relationships with State and local governments and the private sector. We are charged with the responsibility to establish effective, uniform standards designed to protect the public health and safety without imposing undue costs or impediments to commerce.

While we are also expected to assure compliance with these standards, we cannot mount a nationwide Federal enforcement effort that would provide the necessary level of inspection to deter violations across all transport modes. The problem is most pronounced with respect to the highway mode, where thousands of trucks transport hazardous materials cargoes across hundreds of thousands of highway miles.

Because of the vast disparity in size between the regulated population and the Federal enforcement staff, the enforcement of our regulations must depend upon a Federal/State partnership in order to be effective. To increase the overall national inspection and enforcement effort, we are encouraging the states to apply their existing enforcement resources to hazardous materials transportation safety.

Our approach is to provide states with an incentive to adopt Federal regulations in place of inconsistent State and local rules. State adoption of the Federal Hazardous Materials Regulations (Title 49, Parts 100-199) provides a single comprehensive, uniform set of nationwide standards. This uniformity not only simplifies inspection and enforcement activities for State personnel but it also reduces the regulatory burden on industry by employing a single set of regulations for compliance.

Because the states already have law enforcement officials in the field, there is no need to create additional State organizations to enforce the hazardous materials regulations. The assignment of the appropriate agency within a particular state can be made by the state based upon an evaluation of its own capabilities and resources. In most instances, we believe there already exists a State agency which could assume the local inspection and enforcement responsibility. However, training of State inspection and enforcement personnel according to the Federal Regulations is essential to the success of such a Federal/State effort.

Training

To respond to this need, we plan to augment our existing training programs during the current Fiscal Year by establishing a number of Regional Training Centers to provide training for both State inspectors and enforcement personnel and members of the regulated community in how to use and comply with the Federal regulations. We will also use these centers to provide training related to emergency response.

The Regional Training Centers will receive the largest funding portion, \$400,000, of an expected level of \$950,000, available for training operations in our Fiscal Year 1982 budget. Our approach is to share with the interested State and local governments in the start-up costs of these Regional Training Centers, and to provide technical support and guidance in their delivery of training.

In the past, we have relied almost entirely on training delivered at our Transportation Safety Institute in Oklahoma City. In the future, we will use the Regional Training Centers to supplement this training effort and bring it closer to State, local and industry personnel.

Emergency Response

In Fiscal Year 1982, we plan to continue providing guidance for State and local officials in their planning for procedures on how to deal with hazardous materials emergencies. Effective emergency response requires a network of knowledgeable and trained emergency crews. The infinite number of possible accident sites, the wide range of materials that may be involved, and the usually critical need for immediate action, are the principal reasons that states and local jurisdictions have the primary role in responding to transportation emergencies. To develop the capability to perform this function, State and local personnel

must identify their particular problems and needs, and implement their own community plans for emergency response. The Federal government can help. We have earmarked \$500,000 in Fiscal Year 1982 for program development and demonstration projects, whereby local governments or planning units will be helped to survey current physical and institutional frameworks for emergency response in a given area, determine what resources they need to adequately accomplish the job, and plan to obtain them. We expect to complete one such project this year, performed in cooperation with the Puget Sound Council of Governments in Washington State. Already, much of the planning methodology developed in this project has been adopted for use in other communities around the country.

In addition to supporting such local planning efforts, we are providing emergency response assistance in several other ways. For example, we have earmarked \$500,000 to expand distribution of the Hazardous Materials Emergency Response Guidebook which we issued last fall. This Guidebook is a concise indexed reference tool which provides on-scene officials with detailed guidance for swift and precise response to transportation emergencies.

The Guidebook is based upon a system for categorizing hazardous materials which is embodied in a regulation that we recently promulgated in cooperation with the Environmental Protection Agency (EPA) to rationalize their lists of hazardous commodities, wastes, and substances with ours. THE more than 1,600 categorized hazardous materials will be so designated by placards appearing on the vehicles transporting them. The placards will provide emergency response personnel arriving at the scene of an accident keys for quick entry to appropriate sections of the Guidebook.

During the past year we have been working together with the U. S. Coast Guard to extend the capability of its National Response Center to

deal with land-based pipeline accidents, hazardous waste spills, and hazardous materials accidents. We have established on-line voice and data transmission links between the National Response Center and the Chemical Emergency Transportation Center (CHEMTREC), an emergency response information service of the Chemical Manufacturers Association.

CHEMTREC enjoys access to proprietary information to deal with emergencies which individual firms are reluctant to share with the Federal government. Thus, it provides a vital service in dealing with the containment of hazardous incidents.

As we started to do this year, we will be providing \$250,000 in the coming year to the Coast Guard to perform its expanded emergency response role in connection with these incidents.

Radioactive Materials Transport

In January of this year, we issued a Final Rule (HM-164) establishing specific routing regulations for the highway transportation of radioactive materials, including spent fuel. The requirements of the rule are based on the type of radioactive material shipped and the quantity--or activity--per shipment. As a result, the regulation has specific requirements applicable to a very wide range of commodities and materials and it applies to routings between thousands of pairs of points. The rule is scheduled to become effective on February 1, 1982.

The states will play a key role in selection of highway routes to be used by trucks carrying high-level shipments of radioactive materials under HM-164. While the regulation will preempt State and local restrictions which are inconsistent with its provisions, it offers much more flexibility to the states than was contemplated in a rule DOT proposed a year ago. Under the Final Rule, appropriate State agencies

are encouraged to designate alternative or preferred routes based on analysis of risk factors and careful consideration of the views of affected city and county officials. States have the resources to conduct routing analyses and can consider local viewpoints. To assist the states in their selection processes, DOT will soon issue guidelines for selecting preferred alternative routes.

Much of the emphasis on this rulemaking was on anticipated future shipments of spent nuclear fuel. Currently, there is little movement of such shipments. This is likely to remain the case until one or more permanent nuclear fuel waste repositories are established.

The Department of Energy is now evaluating potential repository sites and identifying specific candidates. That Department will eventually establish several such repositories. As the selection process moves ahead, we expect the spent fuel transportation options, both modal alternatives and route choices, to become clearly identified by the Department of Energy. We also expect our Department to be called upon to evaluate these transport alternatives and the plans that develop.

Information and Analysis

With the growing emphasis being placed on analysis of the benefits, costs and other impacts of prospective and existing regulations, substantial requirements fall upon us to develop and analyze quantitative information of both a statistical and engineering nature. Likewise, an effective monitoring and inspection program is dependent on the assembling of correct information, and its proper application.

To respond appropriately to these needs, we are planning a Fiscal Year 1982 expenditure of \$500,000 for development of system software for our hazardous materials information system (HMIS). The planned improvements

to the system will provide us with quick retrieval capability for accurate information we now lack on such matters as commodity flow, current and pending regulations and exemptions, accident and incident data, technical and engineering data, enforcement and inspection activity, emergency response information from both NRC and CHEMTREC, and budget and program plans.

This system will integrate existing data systems of the Federal Highway Administration, the Federal Railroad Administration, and the National Response Center, with our own MTB reporting systems. This is expected to reduce administrative burdens both for us and for the regulated industries, by eliminating redundant and unnecessary reporting requirements, and limiting the amount of manual processing of information needed for the Department to perform its duties.

This completes my prepared remarks. Mr. Santman and I will be pleased to respond to your questions.