STATE OF COLORADO

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22 September 2004

US Department of Transportation
400 Seventh Street SW
Nassif Building, Room PL-401
Washington DC 20590-001

Attention Docket ID No. RSPA-2004-18730

Dear DOT:

We appreciate this opportunity to comment as we are vitally interested in the health and safety of first responders. The Colorado Emergency Planning Commission (CEPC) is the "SERC" for Colorado under the Emergency Planning and Community Right-to-Know Act as well as performing additional duties under state law. In this role we work with local emergency planning committees, first response organizations, facilities, and the public regarding emergency planning, response and community right-to-know.

Frankly we are horrified at the thought that placards and other markings would be removed from TIH rail tankers. We cannot understate the adverse impact this change would have on the first response community. It is completely unrealistic to assume that the first response community, most of whom are volunteers in Colorado, can effectively re-train and adapt in any sort of timely fashion. The current system is simple and well known. Any replacement system will add confusing layers of complexity to the already substantial amount of chaos that exists during emergency response situations. Our belief is that such a change will endanger the lives of first responders.

The following addresses the specific questions posed in the proposal:

1. Should identifying marks, such as distinctive paint colors or patterns and company names, be prohibited? What would be the practical impact of such a prohibition?

> No, these should not be prohibited. As a practical matter first responders, especially in rural areas depend upon this information to identify hazards. In a rail accident, placards may be obscured and not visible. First responders need to be able to rely on the presence of other sources of information in order to properly respond and protect themselves and the public.

Right-To-Know
4300 Cherry Creek Drive South
Denver, CO 80222
(303) 692-3017

Admin/Plans
15075 S. Golden Road
Golden, CO 80401
(303) 273-1622

2. If placards and other identifying marks are removed from rail tank cars transporting TIH materials, are there alternative operational procedures or systems that could simply and effectively communicate the hazards of the material to emergency response personnel and transport workers? What are the advantages and disadvantages of the alternative procedures or systems? What costs would be associated with development and implementation of such alternative procedures or systems? What security benefits would be associated with each?

> We absolutely oppose the removal of placards and other identifying marks. Keep in mind that in rural areas where these trains may derail, the responders are volunteers. They have invested a tremendous amount of time and energy in learning the placard system and how to identify TIH materials. We are very concerned that removal of these identifying marks will result in the loss of life and these volunteers are denied the tools they have learned and practiced over many years.
>
> We view the potential for a train accident to be vastly greater than a terrorist attack on a rail car. While not minimizing the possibility of such an attack the practicalities of our world suggest that first responders are much more likely to be killed and injured by unknowing exposure to these chemicals if placards and other identifying marks are removed. Our train accidents, which have occurred at the rate of about 2 per month this year, are frequently in narrow canyons and other isolated spots. As first responders approach these scenes they need access to every possible visual cue in order to protect themselves and the public.

3. If alternative procedures or systems are considered that would allow removal of placards and other identifying marks from rail tank cars transporting TIH materials, what should the criteria be for balancing safety and security considerations and demonstrating that these procedures and systems are viable, practical, and workable? How secure would such systems be? Do these systems have the potential to be used maliciously to identify shipments and locations for attack? How can malicious use of such systems be prevented?

> We are of the view that the best way to protect these rail tank cars is to better secure them while stationary in rail yards and otherwise. Any system of identification is vulnerable to misuse. We should err on the side of providing first responders with necessary information using the system with which they are now familiar rather than create an equally vulnerable system which causes first responders - especially those that are rural volunteers - to have to relearn existing skills.

4. What are the impacts on emergency response of a significant change in the way the TIH hazard is communicated? How many emergency responders would be affected? What are the cost implications to the emergency response community of a change in current hazard communication requirements, including costs for new equipment and retraining?

> As explained about every first responder in the state would be forced to retrain to learn whatever new system is implemented. Training materials and information materials carried in response vehicles would have to be redone at a cost that could exceed hundreds of thousands of dollars. We do not know how many first responders are in the state as we are

very dependant upon volunteers; however, it is clear that training costs for paid first responders will also be in the hundreds of thousands of dollars. Volunteers would be expected to contribute their own time and a certainly equivalent cost to them and potentially their employers.

5. What are the impacts for transportation workers of a significant change in the way the TIH hazard is communicated? Do shipping documents provide sufficient information to enable transportation workers to safely handle TIH materials during the course of transportation or would some additional hazard communication mechanism be necessary? What are the cost implications to shippers and carriers of a change in current hazard communication requirements, including costs for new equipment and retraining?

We assume these costs would be equally enormous.

6. Placards depict a hazard type. There are a wide range of materials that may be identified with a similar placard, yet not all of the materials will pose the same security risk. Should DOT/DHS consider the removal of more specific identifying marks on rail tanks cars carrying TIH materials, but leave placards in place? What are the implications for emergency responders of such an approach?

The implications are dire. As noted above first responders need access to all possible sources of information to visually identify these tank cars. Placards can be destroyed in an accident and these specific identifying marks are equally important.

7. Placards are part of an internationally recognized system for communicating the hazards of specific materials in transportation. What are the potential impacts on international transportation of TIH materials of a change to U.S. requirements for communicating the TIH hazard?

In fact, the US placarding system is widely recognized internationally for purposes of training first responders. Implementation of these changes not only impacts international transportation of US goods, but adversely impacts the ability of first responders world wide to appropriately respond to incidents.

We appreciate this opportunity to comment on these proposals. Please feel free to contact us should you have any questions.

Sincerely,

SUSAN JONES-HARD
Co-Chair

RICHARD W. BARDSLEY, JR.
Co-Chair

cc: Colorado Emergency Planning Commission (CEPC)