



SMART

SULFUR DIOXIDE MUTUAL ASSISTANCE RESPONSE TEAM

October 15, 2004

Dockets Management System
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-001

Re: Docket No. RSPA-2004-18730

Dear Sir or Madam:

SMART, the Sulfur Dioxide Mutual Assistance Response Team, hereby offers comments on the referenced notice by RSPA and TSA on the subject of rail transportation of TIH materials. Members of SMART produce sulfur dioxide in the U.S. and Canada. We are aware of operations in Mexico that ship this product by bulk rail into the U.S., but our responses to the questions only pertain to our knowledge of U.S. and Canadian operations.

1. *Security plans.* The methodology used in this industry is based upon that customarily available through such organizations as the American Chemistry Council and CCPA in Canada, as well as Docket No. HM-232. This methodology is capable of being used in a broad variety of operations.

Generally speaking, it is not layered, although some companies have done so. Several companies have had their operations audited by consultants and, while substantive suggestions were offered with respect to fixed facilities, none pertained to the rail operations.

We do not believe security plans should be submitted to a government agency for review and/or approval. Some degree of uniformity across industry could be developed by using qualified third-party certifiers, but such review is not considered necessary in this industry in order to develop an effective plan.

2. *Hazard identification.* We do not endorse changes in placarding systems or other car marking systems. We already are living with an expensive refusal by the U.S. DOT and Canada TDG to accept each other's placards for TIH materials, so all members have had to dual-placard cars. No more changes, please. While we understand some persons might advocate removal of the placard because it might be an invitation to terrorist attack, the cars themselves are sufficiently distinctive to make removal of the placard ineffective in de-identifying the cargo.

We appreciate DOT's recognition of the international nature of the placarding system but, as noted above, it is a principle not followed by the agency when it comes to TIH materials.

We also do not support the adoption of a more generic placard. Often in a derailment it is difficult to locate shipping papers, and information marked/placarded on the car is very useful to responders.

3. Temporary storage. In the distribution of sulfur dioxide tank cars, temporary storage is not utilized. Product is sent from production plants that have secure locations, to distributors or product users who also have security plans. Producers typically review the safety and security capabilities of those plant locations to which this product will be shipped, as part of Responsible Care.

Delays by rail carriers may result in cars being held at certain locations, primarily due to competitive uses of the track, and to the extent the government might expedite the delivery and return of these cars it would be very beneficial.

4. Car integrity. Terrorist attack using heavy munitions could overcome any integrity that might be designed into a tank car or stationary storage unit for that matter. DOT Specification 105 cars are the heaviest and strongest in service, and have a history of successful survival of derailments and other rough handling. We do not believe exploration of changes in the structure of the cars themselves to be a productive avenue by which to enhance security.

People in the industry have done more in terms of seals on cars, going so far as to close fittings by cable requiring special cable cutters to remove.

5. Communications/tracking. Members rely upon the railroads' password-protected Automatic Equipment Identification (AEI) system to monitor the location of all sulfur dioxide cars on a daily basis. While radio-frequency identification is being explored with motor vehicles, it is less practical for rail cars. We are aware of concerns expressed by the railroads with various devices installed on the exterior of some rail cars, because they are visually indistinguishable from bombs. Please note that the AAR has issued guidance circulars on the use of these devices, and intends to prohibit certain configurations without prior AAR approval.

Use of AEI is very satisfactory and we see no benefit in other forms of communication or tracking to serve the same purposes.

Please let me know if you have any questions on the comments offered on this notice by SMART.

Sincerely,

Lawrence W. Bierlein
General Counsel