

United States Senate

WASHINGTON, DC 20510

March 7, 2004

Hon. Michael Chertoff
Secretary
Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, DC 20528

Dear Secretary Chertoff,

I write today to oppose the Department of Homeland Security's plan to remove hazardous materials placards from freight rail cars and urge your department to work more closely with local governments to ensure first responder teams have all they need in the event of a derailment or terrorist attack. Exterior hazardous material (HAZMAT) placards inform first responders whether or not the contents of a punctured rail car are dangerous and if it is necessary to evacuate a nearby community. I fear that not having this critical information on sight and readily available to first responders will put more lives in danger.

Freight rail cars have derailed repeatedly in the last few months, leaking their highly toxic and dangerous contents, forcing widespread evacuations and devastating loss of life. Last month in Graniteville, SC, after a Norfolk Southern freight train derailed, nine people were killed and hundreds evacuated after chlorine gas leaked punctured rail car. And just yesterday, in the Roper Rail Yard in South Salt Lake, UT, a tank car leaked 6,500 gallons of toxic waste leading to the evacuation of more than 6,000 local residents.

The incident this weekend in Utah raises serious concerns about the ramifications of your plan because, according the local fire chief, the tanker car's manifest may have listed the contents of the car incorrectly, leading to dangerous confusion at the accident site. As a result it took first responders several hours to determine the actual contents and concentration of the material in the car. During this time, the leak got worse prompting the further evacuations.

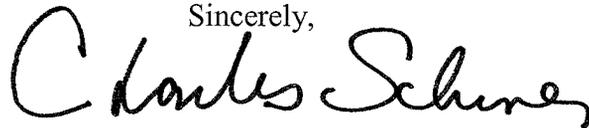
First responders need to have accurate and easily accessible chemical information on site in order to effectively and safely respond to derailments and chemical spills. Often, the only information first responders have to go on when they arrive at an accident is the placard information detailing the hazardous material contents of the railcars. That critical information should not be taken away from firefighters and other first responders.

I urge you to reconsider this proposal and look for ways to better inform the men and women on the ground -- our first lines of defense when a train carrying hazardous

materials accidentally derails or is attacked by terrorists. The bill that Senator Lindsay Graham and I offered earlier this year, The Rail Crossing and Hazardous Materials Transport Act of 2005, would require chemical and rail companies increase, not decrease, the flow of safety and security information from companies to the local governments. It would require companies to provide, at the request of the state homeland security team, a comprehensive list of the chemicals shipped through the state. I strongly believe this is one of the very best ways to protect the millions of Americans who live near freight train tracks and rail yards.

I look forward to working with your Department to better secure the millions of tons of hazardous materials shipped on freight trains throughout our nation every year.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Schumer". The signature is written in a cursive style with a large, prominent initial "C".

Charles E. Schumer
US Senator
