

April 28, 2023

The Honorable Maria Cantwell  
Chair  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, D.C. 20510

**RE: Legislation to Improve Rail Safety**

Dear Chairwoman Cantwell and Ranking Member Cruz:

On behalf of our members, who comprise the agricultural food and input supply chain, we support your goal of improving rail safety. Our industry continues to invest in and promote programs that improve the health, safety, and security of the environment and our employees, customers, and communities.

The U.S. rail network moves critical agricultural inputs and significant quantities of agricultural products to supply our nation with food, feed, fuel, and fiber. We urge this Committee to pass bipartisan, targeted rail safety legislation to reduce the risk of future derailments while also ensuring a reliable, economically sustainable railroad freight transportation system. Our respective organizations support the following priorities to enable agri-chemicals (including hazardous materials) and other important agricultural products to continue to be transported by freight rail in a safe manner:

- Standardization and effective utilization of defect detectors, which help carriers prevent accidents. The rail industry has voluntarily initiated use of these detectors, and it appears appropriate to consider ways to standardize the technology.
- Increased funding for first responder training to meet new authorized levels set by the Infrastructure Investment and Jobs Act. Fees should be capped at \$500 for small businesses and \$5,000 for larger businesses.
- Recommended improvements for track maintenance programs.

However, the following areas of concern could pose major problems for shippers and create new supply chain disruptions:

- Requiring shippers to provide advance notifications to emergency response officials regarding the transportation of hazardous materials would be almost impossible as shippers are not in control of the shipment of products when cars are pulled away by carriers.
- Expanded U.S. Department of Transportation (DOT) authorities related to issues such as regulating train length, weight, and any other subject deemed necessary by the Secretary of DOT would hinder an already congested rail system. Any potential directives should have a clear focus to promote safety.
- Accelerated phase out of DOT 111 tank cars for transporting Class 3 flammable liquids to May 1, 2025, is likely not attainable and impacts shippers who provide the tank cars to ship these hazardous materials. The capacity of car builders and repair shops must be considered. It may be appropriate to request a study to ascertain feasibility and cost-benefits.

- Limiting the routes, size, and speed of hazardous materials on freight railroads could exacerbate rail congestion and service challenges, which have been historically bad in recent years. For example, smaller trains would result in the need to run more trains to move the same volumes. More trains would require more crews, and there currently are not enough people to run the number of trains currently operating. The lack of rail carrier staff has resulted in highly challenged rail service in recent years. There could be other unintended consequences of changing operating requirements for flammable and hazardous materials that could unintentionally reduce safety, rather than promoting it. We should promote safety, but Congress should carefully consider modifications to current requirements and standards.

We support congressional efforts to improve rail safety and believe there are targeted, common-sense provisions that can address this important issue to prevent future incidents. For example, we support full funding of the DOT's Pipeline and Hazardous Materials Grant Program. This grant program is funded by hazardous materials registration fees paid by both the shippers and transportation carriers to support emergency response planning and training. It is our understanding that the states are not conducting the proper needs assessments on a regular basis and funds are sometimes not being delivered to the local communities that need it the most.

We support a targeted approach that is based upon data to improve rail safety, including the transportation of hazardous materials. We are committed to a safe and reliable freight rail transportation system and look forward to working with you to enact policies that will reduce the risk of future derailments.

Sincerely,

**National Associations**

Agricultural Retailers Association  
American Soybean Association  
American Farm Bureau Federation  
American Feed Industry Association  
Consumer Brands Association  
Corn Refiners Association  
Growth Energy  
National Aquaculture Association  
National Association of Wheat Growers  
National Corn Growers Association  
National Cotton Council  
National Council of Farmer Cooperatives  
National Grain and Feed Association  
National Grange  
National Oilseed Processors Association  
North American Millers' Association  
North American Renderers Association  
Pet Food Institute  
SNAC International  
USA Rice

**State/Regional Associations**

Agribusiness Association of Iowa  
Agribusiness Council of Indiana  
Alabama Agribusiness Council  
California Grain and Feed Association  
Far West Agribusiness Association  
Florida Fertilizer & Agrichemical Association  
Georgia Agribusiness Council  
Grain and Feed Association of Illinois  
Independent Cattlemen's Association of Texas  
Kansas Agribusiness Retailers Association  
Kansas Grain and Feed Association  
Michigan Agri-Business Association  
Minnesota Crop Production Retailers  
Minnesota Grain and Feed Association  
Missouri Agribusiness Association  
Nebraska Cooperative Council  
New York State Agri-Business Association  
North Carolina Agribusiness Council  
North Dakota Agricultural Association  
North Dakota Grain Dealers Association  
Ohio AgriBusiness Association  
Oklahoma Agricultural Cooperative Council  
Pacific Northwest Grain & Feed Association  
Rocky Mountain Agribusiness Association  
South Dakota Agri-Business Association  
Texas Grain and Feed Association  
TN Feed & Grain Assn  
Wisconsin Agri-Business Association

CC:

Senate Committee on Agriculture, Nutrition and Forestry