

Protecting Communities & The Environment After a Hazmat Incident

While train accidents involving hazardous substances are rare, railroads understand that even one incident can impact a local community dramatically. Railroads take the responsibility of shipping hazardous substances seriously and are committed to keeping citizens, railroaders and the environment safe. When a hazardous substance incident occurs, railroads follow strict regulations and work closely with government agencies and safety experts to immediately contain the situation, protect the health and safety of citizens and the environment, remediate any impacts and carefully return to service.

Railroads adhere to rigorous federal and state regulations regarding hazardous substance transportation and emergency response. Six main federal statutory frameworks regulate hazardous substances and cleanups (shown to the right), along with various state regulations. Railroads follow comprehensive emergency response plans developed with regulators, state emergency management agencies, the National Response Center, safety experts and more. Through these federal laws, the Environmental Protection Agency (EPA) has the authority to require and oversee the cleanup of spills of hazardous substances. In coordination with state and local authorities, EPA approves cleanup plans, sets required remediation requirements and oversees remediation efforts from start to eventual finish.

Railroads deploy internal, contracted and third-party environmental experts to assess the impacts on health and the environment after an incident. These qualified experts assess safety, health and environmental aspects to ensure a robust response to incidents and derailments determined by the unique situation and any risks posed by an actual or potentially hazardous or non-hazardous substance release. They use sophisticated equipment to monitor the site and community air quality, soil and water (surface, drinking and groundwater) and collect samples following applicable guidelines and regulations. Independent third-party testing laboratories use approved testing methods to analyze these samples.

At times, portable testing equipment may be utilized at a site to obtain quick results that can guide initial containment and remediation actions. When applicable, experts are deployed to conduct biological and wildlife assessments along with associated animal rescue and other relevant mitigation experts as needed.

Federal Hazmat Laws

The Comprehensive Environmental Response, Compensation, and Liability Act (aka CERCLA or Superfund) provides a mechanism to fund accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Under CERCLA, EPA can seek out parties responsible for any release and assure their cooperation in the cleanup.

The Resource Conservation and Recovery Act (RCRA) creates a framework for the proper management of hazardous and non-hazardous solid waste. The regulations promulgated by EPA mandate strict standards for the storage, transport and disposal of hazardous substances.

The Clean Water Act is the principal law governing pollution control and water quality of the Nation's waterways. The object of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of U.S. waters.

The Safe Drinking Water Act (SDWA) requires many actions to protect drinking water and its sources, including rivers, lakes, reservoirs, springs, and ground water wells. The SDWA authorizes EPA to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants in the nation's drinking water supply.

The Oil Pollution Act requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

The Hazardous Materials Transportation Act tasks the Secretary of Transportation with prescribing regulations for the safe transportation of hazardous materials, which include requirements for packaging, pre-transportation functions, and transportation functions.

EPA and other federal and state agencies ensure railroads comply with all regulations as they implement short- and long-term monitoring and remediation plans. Early actions at an incident site can include, but will not be limited to, product containment, recovery, and bulk removal in situations where commodities, fuel or other hazardous or non-hazardous substances have been released. As site characteristics change, plans are modified, and activities are altered to address contamination fully.

Long-term monitoring, remediation, and eventual closure of an incident site must meet regulatory requirements and be approved by EPA and state agencies. Throughout the ongoing investigation, the National Transportation Safety Board (NTSB), EPA, local government and railroads maintain consistent communications with the affected communities.

If complete remediation of a site cannot be accomplished before rail service can be safely restored, areas of contamination are identified and delineated. Remediation strategies are then developed to conform to site conditions, such as when impacts remain within or below the track structure. Various types of remediation, and associated site monitoring and testing, are available to ensure that the site is restored to applicable standards. EPA and state agencies remain involved in the process and are informed regarding site conditions. Railroads are committed to supporting communities throughout the process until remediation is complete.