

Testimony of:

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To: The Commonwealth of Pennsylvania, House of Representatives, House Veterans Affairs and Emergency Preparedness Committee Public Hearing

Relative to: Emergency Preparedness and Public Safety Implications for the Railway Transportation of Crude Oil across the Commonwealth

Date: Wednesday, March 5, 2014 at Eddystone Fire Company, Eddystone, Pennsylvania

Testimony of: Edward T. Doyle, Jr., PhD. Co-Chair of the Delaware County Local Emergency Planning Committee (LEPC)

Good morning Mr. Chairman and Committee members. I would like to thank you for the opportunity to provide testimony today. My name is Edward T. Doyle, Jr. I am the Co-Chair of the Delaware County Local Emergency Planning Committee. My Co-Chair is Thomas McGarrigle, Chairman, Delaware County Council. The LEPC is charged with emergency planning and preparedness relative to hazardous and extremely hazardous substances used, stored, transported or manufactured within the county. The LEPC has been in existence in Delaware County since 1982 and draws its charge from the Superfund Amendments and Reauthorization Act (SARA), the Commonwealth of Pennsylvania's Act 165 and related Delaware County legislation.

My background includes some 35 years of oil industry and safety, health and emergency management experience. I have worked as the Risk Manager at the former BP refinery in Marcus Hook, the Sunoco Marcus Hook and Philadelphia refineries and as the Corporate Director of Emergency Management for Sunoco. I have been a member of the Incident Command team in various emergency responses including the 2010 Deep Water Horizon spill in the Gulf of Mexico and locally the Delaware River Athos I spill and the 2012 Mantua Creek, Paulsboro, NJ Derailment. In most of these responses I have acted as the Safety Officer or advisor to the Incident Commander.

Today, I would like to take this opportunity to address a few concerns that have been discussed with Mr. Edwin Truitt, Delaware County Director, Emergency Services and Delaware County Council.

First, I would like to take this opportunity to thank Eddystone Rail Co. for their interest in providing emergency preparedness and response information. Delaware County has been very active in the discussion of crude oil transportation within the county. Delaware County has been communicating with Eddystone Rail regarding operational and emergency procedures, response capabilities and training since August 2013. Delaware County has a keen interest in training local emergency responders and establishing an effective incident command system in the event of a crude oil or rail emergency within the county.

Transportation of crude oil by rail, including the crude oil itself, is different from the traditional waterborne transportation method known to Delaware County. The introduction of crude oil rail transportation prompted Delaware County to begin discussions with Eddystone Rail. In recent months, there have been a series of meetings and discussions including a presentation by Eddystone Rail to the November 2013 LEPC meeting. In addition, there have been discussions to explore the subjects for effective local emergency responder training. The discussions have involved the topics for a classroom and hands-on training seminar. The seminar is currently in the planning stage.

The subjects for today's testimony include the importance of training and the ability of the railroad to institute an effective and coordinated Incident Command while participating in a Unified Command in the event of an emergency.

Based on the significant increase in the transportation by rail of crude oil and of recent emergency rail incidents involving crude oil, training for and with local responders must be considered a very important and basic part of the railroad and community emergency preparedness. Most of the recent emergency incidents involving crude oil and rail transportation, with the exception of the tragic Lac Megantic incident, have occurred in less populated areas than Delaware County. A railroad train emergency incident involving crude oil in Tinicum Township, Ridley Park or Eddystone with their much denser population could be catastrophic especially if response personnel are not familiar with the constituents of the crude oil, its flammability range, amount of light ends or H₂S content and response protocols. The ability to initially assess the risk level of an incident, the assessment and determination of rail car(s) condition, the determination for population sheltering or evacuation actions, the extent and capability of response manpower, equipment and other resources needs can only be enhanced by effective and ongoing training and a true understanding of the potential impact of a rail car event involving hazardous materials.

Training, including local classroom training, rail car demonstrations, the chemistry of crude oil, fire and spill response protocols, lessons learned, drills and exercises, should be afforded to local responders on an ongoing basis. 'Ongoing' because emergency response personnel change and the availability of personnel can fluctuate. Additional training could include specialty schools or programs in hazardous materials, firefighting foam and incident management. Ongoing training can only enhance the ability of local responders to safely and effectively respond to, assess and contain a potential emergency along with working successfully with the railroad to effectively mitigate an incident and protect the citizens of the various communities. Development of a training protocol with the railroads and Eddystone Rail could serve as a model for other communities that will, in the future, be touched by crude oil rail transportation.

The second point works around the ability to successfully work with the railroad, either CSX, Norfolk Southern, Conrail, Eddystone or all, in an Incident Management System to successfully respond to and mitigate an emergency.

Local history and historical references place dealing with the railroad in the mode of 'get the rails open, first and foremost' - a mindset that does not correlate well with local emergency responders and public officials need to protect citizens. The railroads experienced the need to establish an effective incident management in their 2012 Mantua Creek, New Jersey incident. A 'need' they had difficulty establishing and understanding.

In order to effectively respond to and mitigate an emergency, especially within a community, the

National Incident Management System (NIMS) is required and would employ an on-scene tactical management system, based on the Incident Command System (ICS), and a strategic Unified Command. Once a railroad incident affects the community it is no longer just a railroad event. It is a joint jurisdictional incident that requires coordination and communication among all jurisdictions - the community, the railroad, as the Responsible Party (RP), State (PEMA or PA DEP) and Federal Entity (the Environmental Protection Agency or the U.S. Coast Guard depending if the event is land or water based).

With the initial priorities of Safety of Life and Stabilization of the Situation the on-scene operational command would often be the jurisdiction of the local Fire Chief who would work in cooperation with the railroad and their great resources to develop and employ the tactical measures to ensure a Coordinated Response. The overall strategic command, the Unified Command, would include the local jurisdictional authority (the local community), the railroad, as the Responsible Party, the State and the Federal entity. The organizational structure will expand based on the event and entities impacted.

The ability to effectively develop and employ an Incident Command System and work within a Unified Command requires extensive conversations, training, drills and exercises and protocol development. The one thing that practitioners in emergency management subscribe to is this: it is an advantage not to first meet on the emergency but to have worked together prior to an event. It is a benefit for everyone to know the needs and protocols of the other to enhance their ability to work together and communicate effectively.

The National Incident Management System (NIMS) is the accepted and legally required methodology to assist in the management of emergency events in the United States. The NIMS system is not a new concept. It has been in place since November 2002 and the Incident Command System, its fundamental precept, has been in place since the 1970's.

It would be beneficial and hopefully the intention of the railroads to begin working with the local communities to train, drill and establish incident management protocols to help ensure the safety of the community and the citizens of Delaware County and improve the ability of each to respond and mitigate an incident.

Thank you again for the opportunity to testify today on the subjects that Delaware County believes are critical to the success of transporting crude oil through Delaware County and for providing for the safety of the local communities.