

## **A.G. Schneiderman Petitions Federal Government to Reduce Dangers of Crude Oil Shipped by Rail, Calls for Closing Loophole**

***Proposal Calls On Pipeline and Hazardous Materials Safety Administration To Reduce Risk Of Explosions And Uncontrollable Fires By Setting Nationwide Limit On Vapor Pressure Of Crude Oil Carried By Rail***

***Millions Of Gallons Of Crude Oil Routinely Travel By Rail Through NY Communities Without Any Limit On Its Explosiveness And Flammability***

***Schneiderman: New Yorkers In Harm's Way Of Oil Trains Deserve The Greatest Possible Protection***

NEW YORK - Attorney General Eric T. Schneiderman today called on the federal agency responsible for regulating the transportation of hazardous materials to close a loophole that currently allows highly flammable crude oil to be shipped by rail through communities in New York and across the country. Specifically, **the Attorney General filed a petition for rulemaking** to the Pipeline and Hazardous Materials Safety Administration (PHMSA) that would require all crude oil transported by rail in the U.S. to achieve a vapor pressure – a key driver of the oil's explosiveness and flammability– of less than 9.0 pounds per square inch (psi).

Despite several recent derailments of trains carrying crude that have resulted in extraordinary explosions and uncontrollable fires – including the horrific Lac-Mégantic, Quebec accident where a derailed train burst into flames, destroyed the downtown area, and killed 47 people – there is no federal limit on the vapor pressure of crude oil transported by rail. The Attorney General's petition argues that reducing crude oil vapor pressures to levels below 9.0 psi is not only practical, but is necessary for minimizing the risks and severity of accidents involving railroad tank cars.

"Recent catastrophic rail accidents send a clear warning that we need to do whatever we can to reduce the dangers that crude oil shipments pose to communities across New York State," said **Attorney General Schneiderman**. "In New York, trains carrying millions of gallons of crude oil routinely travel through our cities and towns without any limit on its explosiveness or flammability – which makes crude oil more likely to catch fire and explode in train accidents. The federal government needs to close this extremely dangerous loophole, and ensure that residents of the communities in harm's way of oil trains receive the greatest possible protection."

According to the Association of American Railroads, crude oil shipments by rail increased from 9,500 carloads in 2008 to 493,126 carloads in 2014, representing an increase of over 5,000 percent. It has been reported that up to 44 "unit trains" – chains of 70 to 120 tank cars – travel on rail routes that bisect New York each week, each carrying from 2 to 3.5 million gallons of crude oil. These trains traverse approximately 700 miles of the state, passing through the heart of population centers such as Buffalo, Syracuse, Rochester, Plattsburgh, Saratoga Springs, Albany, Kingston and Newburgh, and within a few miles of New York City. An oil train accident along these routes of the size and intensity of those seen in Quebec and other locations, could imperil the safety of thousands of New York State residents who live, work, travel, and recreate along the way.

PHMSA's stated mission is to protect people and the environment from the risks of the transportation of hazardous materials, including crude oil. In July 2015, in response to concerns raised by a number of rail accidents involving crude oil shipments, the agency adopted a new rule that sought to enhance the structural integrity of train cars that ship crude oil, and lessen the chances of train derailments. Although the new rule imposed new regulations on the design and operation of train cars, it did nothing to increase the safety of the highly combustible liquids carried by these cars. Because of this, under federal law, crude oil can still be shipped through some of New York's most densely populated communities without any limit on its explosiveness or flammability.

Attorney General Schneiderman's petition seeks to close this dangerous loophole by requiring all crude oil transported by rail to achieve a vapor pressure of less than 9.0 psi. Vapor pressure is a key contributor to crude oil's explosiveness and flammability. Crude oils with the highest vapor pressures – such as crude produced from the Bakken Shale formations in North Dakota – have the highest concentrations of propane, butane, ethane, and other highly volatile gases. While the vapor pressure of the crude involved in train accidents is frequently not disclosed, in the limited number of instances it is known – including the Lac-Mégantic accident – vapor pressures have exceeded 9.0 psi.

"I am pleased Attorney General Schneiderman filed this petition, because no one should have to live with dangerously explosive materials rumbling through their back yards," said **Congresswoman Nita Lowey**. "That's why I introduced legislation in the House of Representatives (HR 2379) that would immediately ban interstate shipment of the most volatile forms of crude oil so that we can prevent a crude oil tragedy in our community. We need faster progress on crude transport safety to protect Americans who live and work near extensive railways – including my constituents in Rockland County. As Ranking Member of the House Appropriations Committee, I will continue working to pass my bill and implement other measures to prevent another crude transport disaster."

"I commend Attorney General Schneiderman for his action today to highlight the inconsistencies of federal regulations that could place New Yorkers in harm's way," said **Albany County Executive Daniel P. McCoy**. "The volatility of Bakken crude being transported through Albany County is of concern to me and is part of the recommendations put forth in May by the Expert Committee on Crude Oil Safety in Albany County. The time is now for the federal government to address this issue and I am pleased that the Attorney General is calling on the PHMSA to enhance safety by reducing the volatility of the oil shipped through our community."

"As we have seen in other communities, rail disasters such as the tragedy in Quebec have devastating and far-reaching consequences," said **Erie County Executive Mark Poloncarz**. "We must act in all ways possible to prevent such tragedies from befalling other communities, and Attorney General

Schneiderman's proposal to reduce the flammability of crude oil shipments is a common sense way to reduce the likelihood of another such disaster. I support this proposal as another way to protect the residents of Erie County and New York State."

"I fully support Attorney General Schneiderman's effort to improve the safety of the highly combustible liquids that are transported through cities like Albany on a daily basis," said **Albany Mayor Kathy Sheehan**. "This is a common sense measure that can be easily implemented to protect our residents from the unthinkable harm that can occur when a derailment occurs. We will continue to advocate for stronger guidelines and federal action to ensure the safety of our communities."

"Trains that are carrying highly flammable crude oil are an inherent risk to communities across New York State," said **Syracuse Mayor Stephanie A. Miner**. "I support Attorney General Schneiderman in calling for the federal government to take common sense steps to reduce the flammability of crude oil that is shipped via rail. I firmly believe we must utilize available technology to reduce the risk of catastrophe if an accident occurs."

"The tragedy at Lac-Mégantic was a result of excess speed and excess volatility. The Attorney General is calling for common sense, easily implemented controls on vapor pressure to control the volatility of crude oil being transported by rail," said **Plattsburgh Mayor James Canon**. "As Mayor of a city that has oil trains moving through its downtown, lakefront and residential areas, I heartily endorse the Attorney General's plan. At the same time, we cannot drop our vigilance regarding speed limits, and need to resist any attempts to raise them and to endorse attempts to lower them in our populated areas."

"Communities like Newburgh are at risk with highly flammable crude oil being transported through our neighborhoods," said **Newburgh Mayor Judy Kennedy**. "I stand with Attorney General Schneiderman in calling for federal action to reduce the flammability of crude oil that is being shipped via rail. The technology exists to reduce the risk of catastrophe if an accident occurs, and this is a fundamental issue of public safety that is too important to ignore."

"I join Attorney General Schneiderman's call to mandate vapor pressure of 9.0 psi or lower for crude oil transported by rail. A higher than 9.0 psi was the case for the tragic Lac-Mégantic accident. Oil travel through our state and my district remains a serious concern for me and I continue to look for increase safety regulations for these transporters and container companies," said **Assemblymember Patricia A. Fahy**.

"A roughly 50-fold increase in oil train traffic in the last seven years means more and more of these explosive trains are rolling through communities where people live—especially in New York, which has become a hub for oil tanker trains," said **Richard Schrader, New York Legislative Director, Natural Resources Defense Council**. "As the recent uptick accidents show, these trains simply aren't safe. With any accident having the potential to be catastrophic, the federal government needs to do more to protect people. We applaud Attorney General Schneiderman for taking this important action."

**Peter Iwanowicz, executive director of Environmental Advocates of New York** said, "When oil trains derail, the volatility of the fuel can have a significant impact on the size and severity of the explosion. The higher the vapor pressure, the greater chance that lives will be lost. The amount of crude-by-rail traffic passing through our communities has increased thousands of times over. The crude can be made less volatile and the Obama Administration must act before another life is lost. Environmental Advocates applauds Attorney General Schneiderman for exploring every tool available to make communities safer as we also move entirely away from dirty fossil fuels."

"Communities across New York State are at risk with highly flammable crude oil being transported by trains," said **Patricia Kane, a registered nurse at Staten Island University Hospital and treasurer for New York State Nurses Association**. "NYSNA nurses stand with Attorney General Schneiderman in supporting federal action to reduce the flammability of crude oil that is being shipped via rail. There are basic steps that we can take to reduce the risk of catastrophe in the event of an accident and we support this common-sense proposal."

Industry has for years already employed technology to process crude oil to reduce or remove the combustible gases that give crude oil its high volatility. The technology is well-known and readily-available. Known as "stabilization," the technology reduces crude's vapor pressure by removing the volatile propane, butane, and ethane gases – often capturing these valuable gases for sale. Stabilization is commonly used in various sectors of the oil and pipeline industries to limit the vapor pressure of certain highly flammable liquids. For example, the U.S. Environmental Protection Agency, various states, and pipeline operators across the country have adopted vapor pressure limits for gasoline, which require shippers to employ similar stabilization technology.

This matter is being handled by Assistant Attorneys General John J. Sipos and Mihir A. Desai, and Environmental Scientist John Davis, of the Attorney General's Environmental Protection Bureau which is led by Bureau Chief Lemuel Srolovic. The Environmental Protection Bureau is part of the Attorney General's Social Justice Division. The Executive Deputy Attorney General for Social Justice is Alvin Bragg

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