#### 110TH CONGRESS 1ST SESSION

# H.R.99

To provide for the establishment of a hazardous materials cooperative research program.

### IN THE HOUSE OF REPRESENTATIVES

January 4, 2007

Mr. Cummings introduced the following bill; which was referred to the Committee on Science and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To provide for the establishment of a hazardous materials cooperative research program.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Hazardous Materials
- 5 Cooperative Research Act of 2007".
- 6 SEC. 2. FINDINGS AND PURPOSES.
- 7 Congress finds the following:
- 8 (1) There are more than 1,000,000 shipments
- 9 per day in the United States of materials identified

- as hazardous by the United States Department of
  Transportation. These shipments are estimated to
  total 2,100,000,000 tons of hazardous cargo per
  year and to comprise more than 18 percent of the
  total freight tonnage moved in the United States annually.
  - (2) Hazardous materials are shipped by all transportation modes and it is estimated that there are currently 400,000 large trucks, 115,000 railroad tank cars, and 3,000 tank barges dedicated to the shipment of hazardous materials.
  - (3) More than a dozen Federal agencies have regulatory, enforcement, and operational responsibilities for ensuring the safety and security of hazardous materials shipments. In addition, a variety of State and local agencies have responsibility for developing and enforcing State-level regulations and for responding to incidents involving hazardous materials.
  - (4) Decisions regarding the packaging and routing of hazardous materials shipments, the development and implementation of procedures to ensure both the safety and security of such shipments, and the regulation of hazardous materials shipments are made by industry groups and government entities at

- a variety of levels and in all modal administrations of the Department of Transportation on a daily basis.
  - (5) The Federal agencies involved in the regulation and oversight of hazardous materials shipments as well as State and local governments, carriers, shippers, and other groups conduct on-going research on the transportation of hazardous materials. However, much of this research is program or modespecific and as such is focused on addressing only the regulatory, inspection, enforcement, or operational needs of the group undertaking the research.
    - (6) There is a documented need for the establishment of a cooperative research program that will engage all modes and actors, both public and private, involved in the transportation of hazardous materials in conducting cross-cutting assessments of hazardous materials transportation issues that are national and multi-modal in scope and application.

### 20 SEC. 3. HAZARDOUS MATERIALS COOPERATIVE RESEARCH

PROGRAM.

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- 22 (a) IN GENERAL.—From the amounts made available 23 under section 5127 of title 49, United States Code, the
- 24 Secretary of Transportation may obligate not to exceed

\$2,000,000 per fiscal year to develop and administer a hazardous materials cooperative research program. 3 (b) GOVERNANCE.—The Secretary of Transportation 4 shall establish an independent governing board to select projects and studies to be carried out under the hazardous materials cooperative research program. The Board shall be comprised of one voting representative from the fol-8 lowing: 9 (1) The Federal Aviation Administration. 10 (2) The Federal Motor Carrier Administration. 11 (3) The Federal Transit Administration. 12 (4) The Federal Railroad Administration. 13 (5) The Maritime Administration. 14 (6) The Research and Innovative Technology 15 Administration. 16 The Pipeline and Hazardous Materials 17 Safety Administration. 18 (8) The Department of Homeland Security. 19 (9) The Department of Energy. 20 (10) The Environmental Protection Agency. 21 (11) A State department of transportation. 22 (12) A State emergency management agency. 23 (13) A nonprofit organization representing 24 emergency responders. 25 (14) A hazmat employer.

- (15) A nonprofit organization representing
   hazmat employees.
   (16) A hazardous materials shipper.
   (17) A hazardous materials manufacturer.
- 5 (18) An organization representing the haz-6 ardous materials manufacturing industry.
- 7 (19) A research university or research institu-8 tion.
- 9 (20) Additional representatives as the Secretary 10 considers appropriate.
- 11 (c) RESEARCH STUDIES.—Under the cooperative re-12 search program, the governing board shall select coopera-13 tive research studies of hazardous materials transpor-14 tation that are cross-cutting in nature and that consider 15 issues not adequately addressed by existing Federal or pri-
- 16 vate sector research programs. Priority shall be given to
- 17 research studies that will yield results immediately appli-
- 18 cable to risk analysis and mitigation or that will strength-
- 19 en the ability of first responders to respond to incidents
- 20 and accidents involving transportation of hazardous mate-
- 21 rials.
- 22 (d) Implementation.—The Secretary of Transpor-
- 23 tation shall make grants to, and enter a cooperative agree-
- 24 ment with, the National Academy of Sciences to carry out
- 25 activities under this Act.

- 1 (e) Definitions.—In this Act, the terms "hazmat
- 2 employer" and "hazmat employee" have the meaning
- 3 given those terms in section 5102 of title 49, United

4 States Code.

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