

Environmental risks and the increase in hazardous goods transported by rail

An Environmental Petition

Submitted to:

Office of the Auditor General of Canada
Commissioner of the Environment and Sustainable
Development
Attention: Petitions
240 Sparks Street
Ottawa, Ontario K1A 0G6

Submitted by:

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January 28, 2015

Contact Information

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Name of Group: Safe Rail Communities

I/We hereby submit this petition to the Auditor General of Canada under section 22 of the *Auditor General Act*.

Signature of Petitioner 1: _____ **Date:** ____/____/2015

Signature of Petitioner 2: _____ **Date:** ____/____/2015

Environmental Petition

Title: Environmental risks and the increase in hazardous goods transported by rail

Background information: According to the Railway Association of Canada (RAC), in 2009 there were 500 railcars of crude oil and other hazardous goods transported across Canada. The RAC estimated that these numbers would increase to 140,000 by 2014 and that the number of railcars shipping crude oil would increase to 510,000 by 2016¹. The railcars used to transport these shipments have been deemed to be unsafe by the Transportation Safety Board for at least 20 years². Further, residents living along

¹ Bob Bleaney, VP External Relations, Canadian Association of Petroleum Producers, providing evidence during June 2014 hearings on rail safety before the Senate Committee of Transportation, Infrastructure, and Communities. Mr. Bleaney's projection of 700 000 barrels per day was converted to carloads per day, assuming each rail car holds 500 barrels.

² Transportation Safety Board of Canada. (2014) *Rail Safety Recommendations*. Retrieved from the Transportation Safety Board of Canada Website:
<http://www.tsb.gc.ca/eng/recommandations-recommendations/rail/2014/rec-r1401-r1403.asp>

rail lines also have their quality of life affected by noise, vibrations and exhaust fumes by idling railcars. With an increase in rail traffic, one could reasonably expect these quality of life issues will also increase. This is of particular concern given that the World Health Organization WHO has declared diesel engine exhaust to definitively be a carcinogen to humans³

Given the significant increase in shipments of crude oil and hazardous goods by rail, concerns about the safety of the railcars, and quality of life impacts on Canadian communities, we submit this petition to the Government of Canada to identify the actions taken to study and mitigate the impact to the environment and to protect the health and well-being of Canadians.

All questions are addressed to Transport Canada and Environment Canada, unless otherwise directed by the Office of the Commissioner of the Environment and Sustainable Development.

Questions

1. On July 2, 2014, Transport Canada proposed new standards for the TC/DOT-111 tank cars. How are the new TC-140 standards better than the previous CPC 1232 standards (from April 23, 2014)?
2. How does the proposed new performance based testing compare to the former system for testing of the TC-140 tank car models?
3. Both the Transportation Safety Board⁴ and the Department of Transportation's PHMSA department⁵ have voiced concerns about the volatility of the crude oil extracted from the Bakken Region. Given this concern, has Transport Canada or any other federal ministry or agency considered regulations that would to

³ World Health Organization International Agency for Research on Cancer. (2012) *IARC: Diesel Engine Exhaust Carcinogenic* [Press Release No. 213]. Lyon, France: IARC

⁴ TSB, Railway Investigation Report R13D0054, pp.50, 1.19.2, 1.19.21.

⁵ United States of America Department of Transportation. (2014) *Safety Alert – January 2014, Preliminary Guidance from OPERATION CLASSIFICATION*. Washington, DC: The Pipeline and Hazardous Materials Safety Administration.

require the refining of this type of crude oil in order to remove the volatile gases before being shipped by rail?

4. Section 50 in the *Railway Safety Act* and Subsections 30 (1) and (2) in the *Transportation of Dangerous Goods Act* were repealed through *Bill C-31*. What was the rationale for these changes?
5. Given the repeal of both Section 50 in the *Railway Safety Act* and Subsections 30 (1) and (2) in the *Transportation of Dangerous Goods Act* through *Bill C-31*, what mechanisms are in place that would allow the public to voice concerns or suggestions prior to the final enactment of regulations in the above acts?
6. What studies or reviews of possible risks to the environment and public health have been conducted by the Government of Canada in light of the significant increase in crude oil shipments by rail?
7. Is the Government of Canada considering commissioning a study to research the impact of the increase in crude oil transported by rail on the air quality of communities along the rail line?
8. What speed(s) do the DOT-111, TC-140 or CPC 1232 need to be traveling in order to significantly reduce the impact of a derailment in a densely populated area? What testing or study were done to identify the speed?
9. The TSB noted that the increase in the volume of crude oil being shipped by unit trains constitutes an operational change. Such changes should be reported to the Canadian Transport Agency (CTA) in order to apply for a variance on a Certificate of Fitness⁶. Have all railway companies that have increased the transport of crude oil or other hazardous materials applied for a variance on their Certificate of Fitness?

⁶ TSB, Railway Investigation Report R13D0054, pp.94, 1.25.4.3.

10. In light of the increase in shipments of hazardous materials, has each railway company completed a risk assessment of affected routes, as required by the *Railway Safety Act*?
11. What studies have been commissioned and/or completed that quantify the true cost, both financially and to the environment, in the event of a catastrophic derailment in a densely populated area?
12. What studies have been commissioned and/or completed that identify the environmental impact of the July 6, 2013 derailment in Lac Mégantic, and are these available to the public?
13. What are the catastrophic insurance coverage requirements for companies transporting hazardous materials by rail in Canada?
14. Do all railways have enough insurance to cover the cost in the event of a worse case scenario derailment, particularly one in the middle of a densely populated area?
15. What is the Government of Canada's liability in the event of a worse case scenario derailment?
16. Transport Canada's rail safety budget has been cut by over 20% over the last 5 years. What programs, positions, or other areas account for those cuts?
17. Has Transport Canada or another department or agency conducted a study or review to determine what resources (financial, human, other) are required to ensure rail safety in light of the significant increase in shipments of crude oil by rail? If so, is that information available to the public?