

STATE OF MAINE



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PETER J. ROGERS
DIRECTOR

DATE: May 30, 2023
TO: Joint Standing Committee on Judiciary
RE: LD 1937 – An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies

Senator Carney, Representative Moonen and other distinguished members of the joint standing committee on Judiciary. The Maine Emergency Management Agency (MEMA) is against LD 1937 – An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies.

Currently Federal regulation 49 CFR § 174.312 High-Hazard Flammable Trains (HHFTs) requires railroad companies to provide information on the movement of trains that have (20) consecutive cars with Class 3 Hazardous Materials, or ones with (35) carloads intermittently connected throughout the entire train, to the State Emergency Response Commission (SERC) for emergency response planning. While we agree that this threshold is imperfect and that it would be helpful if we were notified of any Class 3 Hazardous Materials, we are concerned about the potential security risks that could arise by removing a paragraph from Maine's Freedom of Access Act, which currently defines certain records of hazardous materials transported by rail, the routes of that transportation, and the frequency of that transportation as not public record. The removal of 1 MRS §402(3)(U) would make those records public and available to anyone upon request, where, currently, §402(3)(U) provides that records relating to the discharge of hazardous material are public *after* any discharge.

We agree it is appropriate for the public to have access to information regarding any hazardous materials that have been discharged (spilled) to help first responders be safe, triage the initial response to any discharge, and the manage the long-term response and clean up. We are, however, concerned about advertising a "soft target" for people intent on causing harm, disrupting national transportation infrastructure, or other damage if the routes and frequency of shipments are made public. Critical infrastructure, including rail, continues to be a target for Domestic Violent Extremist (DVE) activity and experts in Maine have assessed the overall risk to critical infrastructure will continue to increase in 2023. Due to these risks, and as outlined in the State's 2023-2025 Homeland Security Strategy, MEMA is committed to enhancing the protection of soft targets.

We only wish to highlight emergency management and homeland security concerns, as that is our area of operation. Thank you for considering our thoughts.

Sincerely,

A handwritten signature in blue ink that reads 'Peter J. Rogers'.

[Peter.J. Rogers \(May 30, 2023 14:04 EDT\)](#)

Peter J. Rogers
Director






LD1937 30May2023

Final Audit Report

2023-05-30

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