



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

September 26, 2019

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This report to Congress constitutes the Pipeline and Hazardous Materials Safety Administration's (PHMSA) response required by H. Rept. 115-750 – Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2019. In this Act, the Congress directed the U.S. Department of Transportation's PHMSA to work with local governments at international inland ports of entry with a high volume of hazardous materials crossing the border to reduce the risks associated with the crossing and storing of hazardous materials and to enhance the capacity of local officials in dealing with threats of hazardous materials incidents. Congress directed PHMSA to report back to the Committees on Appropriations for the U.S. House of Representatives and the U.S. Senate on its progress within 90 days of enactment of this Act.

The enclosed report covers data and statistics on our Nation's international inland ports of entry; major hazardous materials incidents and accidents; PHMSA's grants programs with local governments and municipalities to train first responders; and the collaborative efforts of PHMSA, Federal, State, and local agencies to thwart threats and hazardous materials incidents and accidents along the U.S.-Mexico border.

A similar letter has been sent to the Vice Chairman of the Senate Committee on Appropriations; the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the House Committee on Appropriations; and the Chairman and Ranking Member of the House Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies.

Sincerely,

A handwritten signature in blue ink, reading 'Elaine L. Chao', is positioned below the word 'Sincerely,'.

Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION
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September 26, 2019

The Honorable Patrick J. Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Leahy:

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The Honorable Nita M. Lowey
Chairwoman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

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The Honorable Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Granger:

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The Honorable Susan Collins
Chairman, Subcommittee on Transportation, Housing
and Urban Development, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

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The Honorable Jack Reed
Ranking Member, Subcommittee on Transportation,
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Committee on Appropriations
United States Senate
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Dear Senator Reed:

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The Honorable David Price
Chairman, Subcommittee on Transportation, and
Housing and Urban Development, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Price:

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September 26, 2019

The Honorable Mario Diaz-Balart
Ranking Member, Subcommittee on Transportation,
And Housing and Urban Development, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Diaz-Balart:

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2019

Report to Congress: Inland Ports of Entry



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

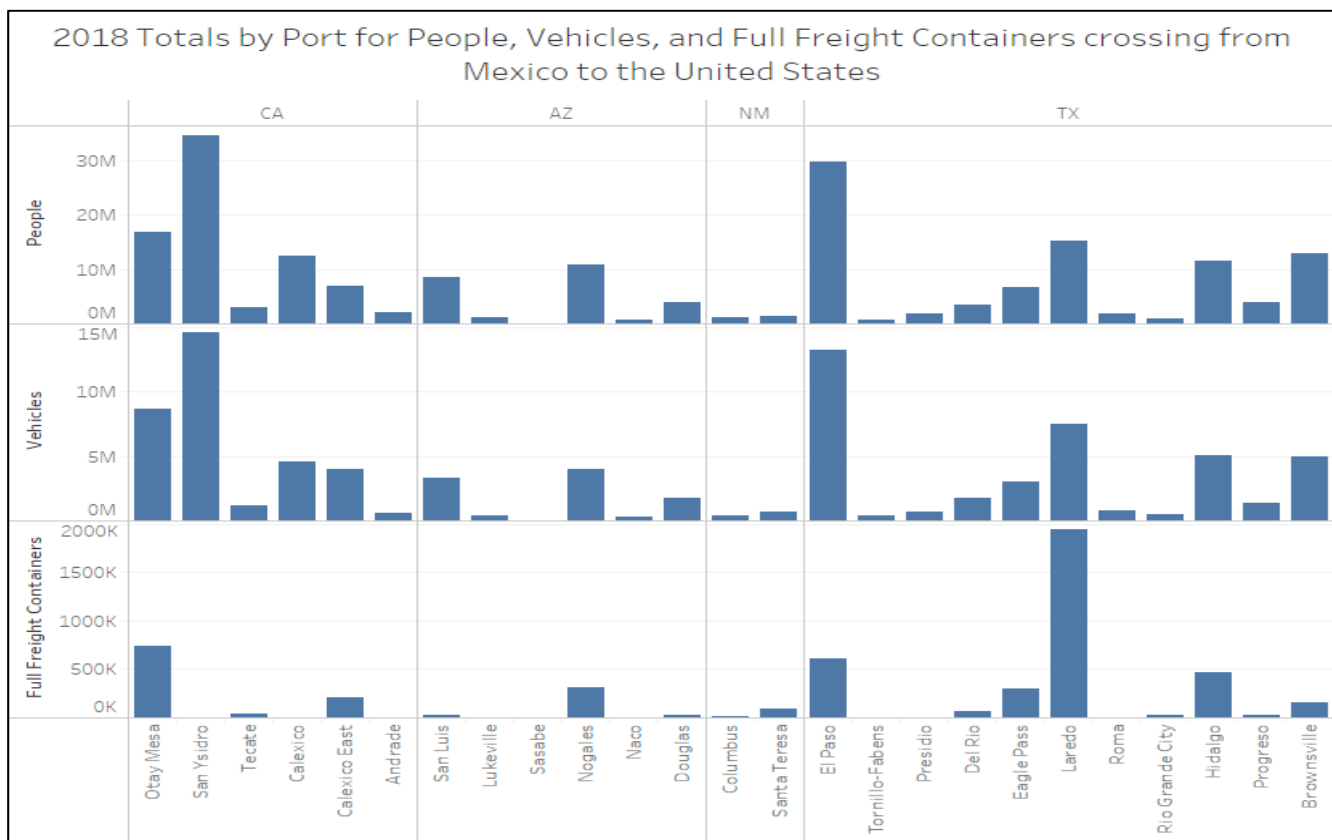
Table of Content

BACKGROUND	2
Hazmat Transportation from Mexico into the United States	3
REDUCING THE RISKS ASSOCIATED WITH CROSSING AND STORING HAZARDOUS MATERIALS	5
Emergency Preparedness Grant Program	5
HMEP Grant Funding to the State of Texas.....	6
PHMSA and Texas DPS/TDEM Collaboration	7
COMPLIANCE AND ENGAGEMENT EFFORTS.....	8
Southwest Region Multi-Agency Strike Force Operation	8
Multi-Agency Strike Force Operation Inspections Results.....	9
PHMSA Outreach and Engagement Workshops	9
CONTINUED WORK AT INLAND PORTS OF ENTRY	10

BACKGROUND

Imported goods and persons enter the United States by air, land, or sea at more than 300 ports of entry (POE) and international inland ports referred to as land ports of entry (LPOE). POE and LPOE are facilities that provide controlled entry and departure by land to/from the United States for persons and materials. In the United States, POE and LPOE house U.S. Customs and Border Protection (CBP) and other Federal agencies responsible for the enforcement of federal laws pertaining to the movement of goods and people. Currently, there are a total of 167 LPOE stationed along the borders of Canada and Mexico. The General Services Administration owns and operates 102 of these LPOE.¹ The remaining 55 are either owned and operated by the Department of Homeland Security's CBP agency, or are leased to the government by municipalities, local governments, or private entities such as toll bridges.

Vehicles carry passengers and freight from Mexico into the United States through 25 LPOE on the southern borders of California, Arizona, New Mexico, and Texas.² The U.S. Department of Transportation (DOT) is responsible for those people and products safely reaching their destinations. In 2018, five million full freight containers (with goods worth \$313 billion), 192 million people, and 83 million vehicles crossed through these 25 ports.³ Laredo is the focal point of freight transportation



¹ Land Ports of Entry Overview, Gsa.gov (2019), <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-overview> (April 11, 2019).

² See Bureau of Transportation Statistics, Border Crossing/Entry Data (2018), <https://catalog.data.gov/dataset/border-crossing-entry-data-boarder-crossing-cb691> (April 4, 2019). Compiling all U.S.-Mexico LPOEs with vehicle traffic. Pedestrian-only ports of entry omitted.

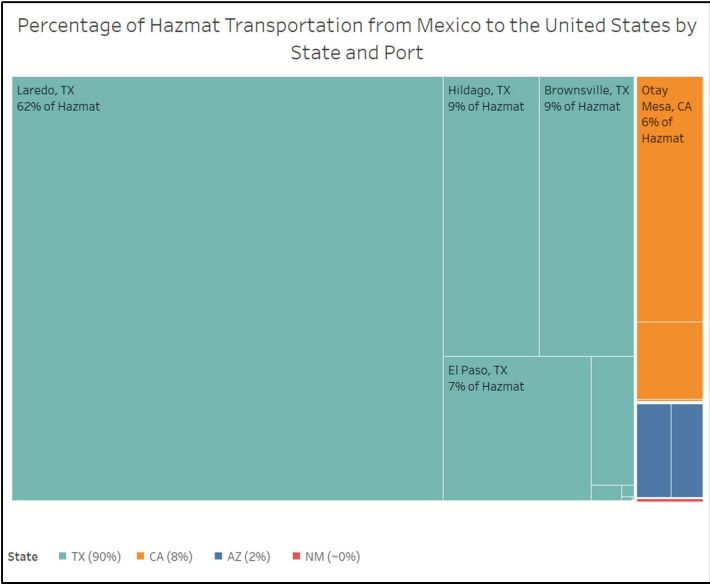
³ *Id.* compiling inbound counts of people (pedestrians + personal vehicle passengers + bus passengers + train passengers), vehicles (personal vehicles + busses + trains + trucks), and full containers (full rail containers + full truck containers).

from Mexico into the United States, facilitating nearly 40% of all containers shipped.⁴



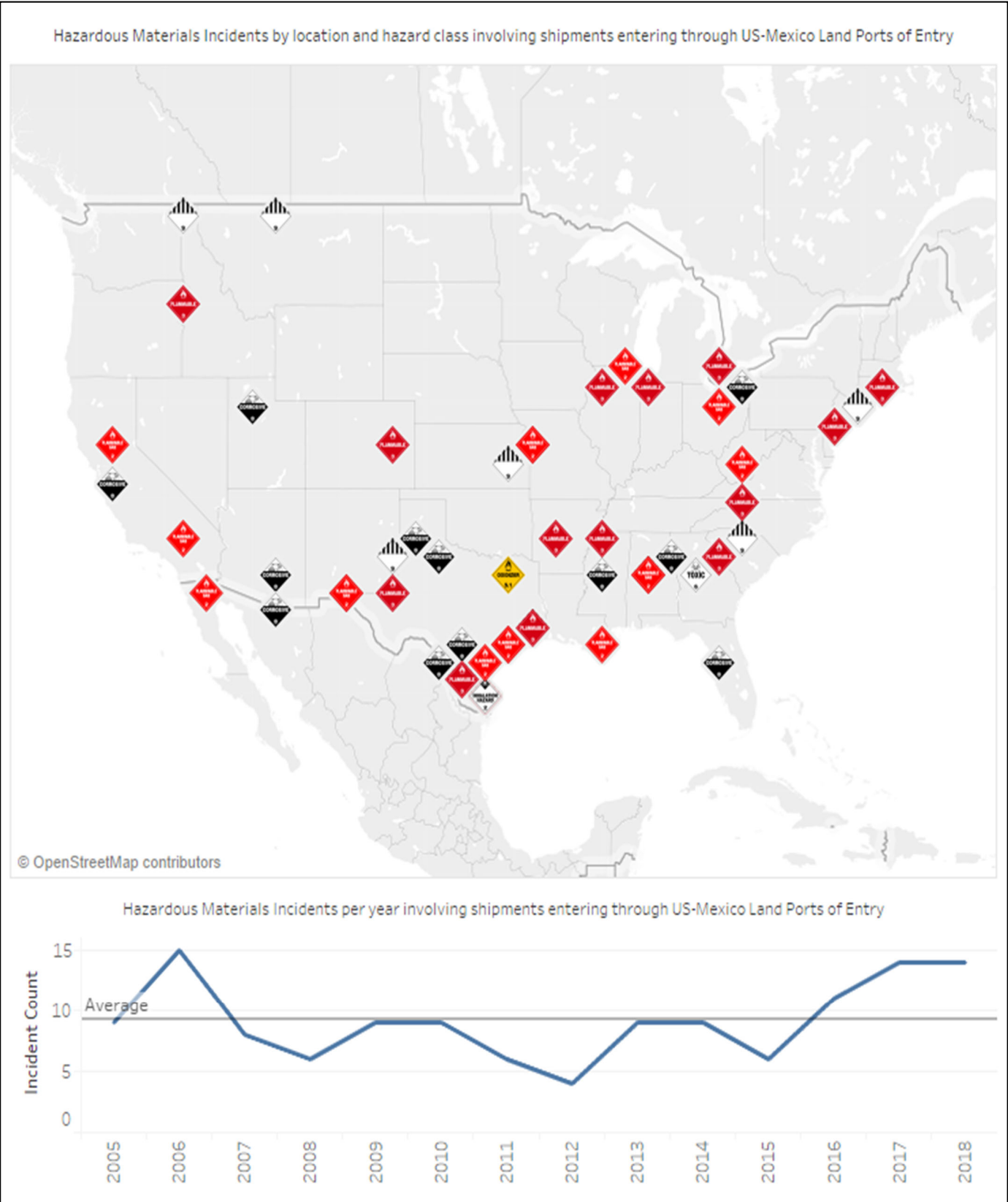
Hazmat Transportation from Mexico into the United States

Of the \$313 billion worth of imports traveling through LPOE between the United States and Mexico,⁵ between one and two percent are hazardous materials.⁶ Over 80 percent of all hazardous materials entering the United States from Mexico by land enter the country via three South Texas POE: Laredo, Hidalgo, and Brownsville.⁷ The primary hazardous materials transported from Mexico into the United States are Alcoholic Beverages (UN3065); Lead Acid Batteries (UN UN2794 + UN2795 + UN2800); Lithium Batteries (UN3090); Sulfuric Acid (UN1830); and



⁴ See *id.* (Showing that Laredo has a disproportionate amount of freight traffic relative to other LPOE).
⁵ See United States Census Bureau, HS Port-level Data (2018), <https://usatrade.census.gov> (last visited Apr 8, 2019). (calculating ground imports using total imports – (water imports + air imports)).
⁶ See *id.* (using total imports through US-Mexico LPOEs and converting six-digit HS codes to UN Numbers).
⁷ See *id.*

Fluorosilicic Acid (UN1778).⁸



⁸ See *id.*

An average of nine incidents per year occur involving hazardous materials shipments entering through U.S.-Mexico LPOE. While incidents from these shipments most frequently occur in the South Texas area near main hazardous materials border crossings, all lower 48 states have some form of hazardous materials exposure. Evidence of this exposure can be found in the 28 states that have incidents on record. Accidents and incidents involving hazardous materials vary greatly in loss of life and negative consequences to the environment. For example, a truck carrying Liquefied Petroleum Gas from Sabinas, Mexico killed 15 people and injured 45 after the pressurized tank broke open and the contents exploded. Other notable incidents are summarized in the attached figures.

REDUCING THE RISKS ASSOCIATED WITH CROSSING AND STORING HAZARDOUS MATERIALS

Under the DOT, the Pipeline and Hazardous Materials Safety Administration's (PHMSA) mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. To advance the safe transportation of hazardous materials, PHMSA evaluates safety risks; conducts research; develops and enforces transportation regulations; educates shippers and carriers; investigates incidents and failures; and provides grants to improve emergency response to transportation incidents involving hazardous materials. PHMSA advances the safe and secure transport of hazardous materials in commerce by air, truck, railroad, and vessel throughout the nation and especially along international POE.

Emergency Preparedness Grant Program

PHMSA's Emergency Preparedness Grant Program provides financial support to States and localities and their first responders, to plan for risks and remediate harm resulting from hazardous materials transportation incidents. As mandated by the Federal Hazardous Materials Transportation Law,⁹ the Hazardous Materials Emergency Preparedness (HMEP) grant provides Federal financial and technical assistance to States, Territories, and Federally-recognized tribes to safely and effectively respond to hazardous materials transportation incidents nationwide. The grant is designed to encourage a comprehensive approach to emergency planning and training by incorporating the unique challenges of responses to transportation situations and following procedures implemented in the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986, Title III, 42 U.S.C. § 11001, et seq. The EPCRA was created in 1986 to help communities plan for chemical emergencies. It also requires industry to report the storage, use, and releases of hazardous substances to Federal, State and local governments.

Notable Incidents Involving Hazmat from Mexico	
EL PASO, TX: 2008 - The frangible disc on a tank car headed to Chicago Heights, Illinois, carrying Fluorosilicic Acid had been ruptured leading to one track worker injured from his exposure to the hazmat.	
EAGLE PASS, TX: 1975 - A truck carrying LPG from Sabinas, Mexico rolled out of control into a roadside building. The LPG vaporized and then ignited, destroying the building and 51 nearby cars. In total, 45 people were injured and 15 people were killed.	
QUEMADO, TX: 2016 - A flatbed trailer loaded with ammonium nitrate airbag inflators crashed and caught fire while headed toward a Takata holding facility in Eagle Pass, TX en-route to Mexico. One person was killed and four injured.	
FLORENCE, AZ: 2001 - A tank car carrying Sulfuric Acid from Coatzacoalcos, Mexico was punctured during a derailment leading to \$450,000 in damages.	
BROWNSVILLE, TX: 2002 - A 124 car train consist including 26 cars carrying fuel oil derailed due to poor consist positioning. Three of the cars carrying fuel oil leaked during the derailment leading to \$350,000 in damages.	
MORRICE, MI: 1994 - A flat car carrying Self-Heating Solids from Morelia, Mexico began burning and emitting a heavy black smoke. Two railroad employees were injured from exposure, and two nearby schools were evacuated.	

⁹ 49 U.S.C. § 5101, et seq.

The HMEP grant program addresses the specific risks imposed on the Nation’s communities resulting from the shipments of hazardous materials across jurisdictional boundaries. Local and regional governments require information on the types, quantities, and locations of hazardous materials being transported through their local jurisdictions to effectively plan for and respond to emergency incidents. The EPCRA ensures that local planners have access to reliable and comprehensive data on the flow of hazardous materials within their local jurisdictions. The program provides grantees with flexibility in implementing training and planning programs that address differing needs for each location based on demographics, emergency response capabilities, commodity flow studies, and hazard analyses. States can target specific training needs and planning activities using these funds.

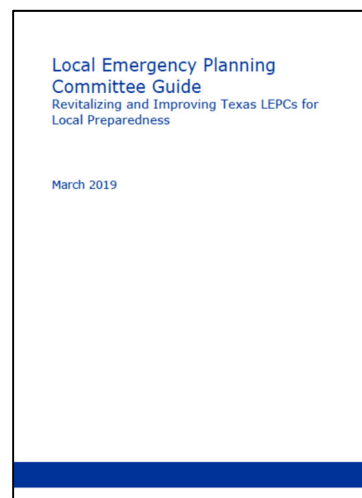
PHMSA awards funding to States and local governments for emergency preparations based on risk analyses. PHMSA uses a risk-based formula to ensure that States with the highest risk for hazardous materials incidents are provided with the most funds. The formula includes census population and PHMSA’s incident reporting data that accounts for incident severity by multiple modes: highway, water, air, and rail.

HMEP Grant Funding to the State of Texas

Annually, PHMSA awards on average over \$1.5 million in HMEP grant funding to the State of Texas. The Texas Department of Public Safety (DPS) / Texas Department of Emergency Management (TDEM) is the governor appointed agency designated for managing the HMEP grant. With HMEP funding the State has trained over 900 first responders annually at various hazardous materials response levels including awareness, operations, technician, and incident command. In addition to training, Texas also utilizes HMEP funds to conduct commodity flow studies, update response plans, carry out emergency response exercises, and to develop and disseminate hazardous materials risk assessments and planning guidance for local communities. For example, Texas has completed a hazardous material safety workshop in Hebbronville for 69 attendees from 12 counties across South Texas (2016); a hazardous materials Geographic Information Systems (GIS) training workshop for emergency preparedness officials including three South Texas counties; and multiple hazardous materials traffic studies in counties along the Texas and Mexico border, such as El Paso, Laredo, and Kleberg counties.

Texas Local Emergency Planning Committee Guide

Highlighting another HMEP funded project, Texas recently published their updated *Local Emergency Planning Committee Guide; Revitalizing and Improving Texas LEPCs for Local Preparedness*.¹⁰ This document is an updated comprehensive guide for Texas’ Local Emergency Planning Committees (LEPCs). It serves as an in-depth reference for communities who want to understand more about policies, programs, and procedures that LEPCs use to enhance their effectiveness and community resilience. The updated LEPC Guide differentiates the small, rural LEPC that has been revitalized after many years of inactivity from the large, active LEPCs along the Texas Gulf Coast. This guide is an update to the 2006



¹⁰ Local Emergency Planning Committee Guide Revitalizing and Improving Texas LEPCs for Local Preparedness, Texas DPS/TDEM, (2019).

<https://www.preparingtexas.org/Resources/documents/TDEM%20HazMat%20Documents/Combined%20LEPC%20Primer%20Guide%20and%20Projects.pdf>

Texas LEPC handbook and includes changes over the past decade in chemical transportation and facility safety security; how LEPCs and emergency management organizations operate; legal frameworks and requirements affecting LEPCs; and links to information sources and references, especially on the internet.

PHMSA and Texas DPS/TDEM Collaboration

At the request of Congress, PHMSA is collaborating with Texas and local agencies along the Texas-Mexico border to reduce the risks associated with the transportation and storage of high volumes of hazardous materials at international POE. To satisfy this request, PHMSA is partnering with Texas DPS/TDEM, to ensure communities and first responders along the southern POE can mitigate the consequences of potential transportation incidents involving hazardous materials. PHMSA is engaged with Texas DPS/TDEM who is also the State Emergency Response Commission (SERC), to identify the risks of hazardous materials being transported through those communities and to help coordinate resources across jurisdictions, Federal agencies, and industry, in the event a hazardous materials incident does occur.

Additionally, PHMSA has coordinated with Texas DPS/TDEM to embark on a study using HMEP grant funding to identify the types of hazardous materials being transported through the Texas-Mexico ports of entry and interior locations. The purpose of the study is to capture and analyze hazardous materials transport data along the Texas-Mexico border locations to include:

- What types of hazardous materials are transported in different areas of the state? From which ports of entry, interior to the state?
- What constitutes hazardous materials and what are their origins and destinations?
- What types of vehicles are used to transport hazardous materials?
- Which carriers transport hazardous materials?
- What are the best practices/most effective preparedness considerations associated with the safe transportation of hazardous materials?

For the port of entry locations, data will consist of commercial motor vehicle, operator, and shipment information such as vehicle, commodity, and shipment characteristics. For inland locations, data will consist of recorded observations of commercial motor vehicles operating on public roadways and displayed hazardous materials placards. From this report, technical reports will be produced summarizing project outcomes and findings, and associated recommendations based on the captured data. The target date for the Texas DPS Inland Port Study is September 2019.

When published, State and local responders can use the information gathered about hazardous materials transported through their specific communities to reduce uncertainties based on the types of incidents for which they are likely to need emergency preparation. Preparedness includes, but is not limited to, training and equipping responders; informing emergency and disaster exercises; and developing emergency plans, including procedures for warning, shelter, and mass care, evacuation, public information, resource management, radioactive materials, and hazardous materials response. Additionally, the information can be used to advise local communities about threats and risks to help coordinate resources across jurisdictions and agencies, develop training and exercise programs, and

enhance planning guidance.

COMPLIANCE AND ENGAGEMENT EFFORTS

To reduce the risks associated with the transportation and storage of hazardous materials at international POE, the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Railroad Administration (FRA) regularly oversee compliance of hazardous materials shipments coming into the United States. In addition, PHMSA undertakes outreach and coordinated enforcement activities along the Texas-Mexico POE such as the Southwest Multi-Agency Strike Force Operation.

Southwest Region Multi-Agency Strike Force Operation

A Multi-Agency Strike Force Operation is a surge enforcement activity involving multiple agencies, jurisdictions, and authorities. Multi-Agency Strike Force Operations prompt interagency cooperation and information sharing that synergistically enhances each agency's safety and security missions. In January 2019, PHMSA and the Southwest Region Multi-Agency Strike Force Operation, along with Federal and State law enforcement and regulatory agencies, leveraged resources to detect, correct, and deter illegal and improper shipments along the Texas-Mexico border. Participating agencies included:

- Pipeline and Hazardous Materials Safety Administration
- Federal Motor Carrier Safety Administration
- Federal Railroad Administration
- Customs and Border Protection
- Homeland Investigations
- Texas Department of Public Safety
- Texas Department of State Health Services

In accordance with the jointly prepared Operations Action Plan, PHMSA and the Southwest Region Multi-Agency Strike Force Operation's areas of joint inspection included undeclared shipments of hazardous materials, traffic and vehicle safety, drug interdiction, illegal movements of currency, and searches for weapons of mass destruction along several international POE. PHMSA and the Southwest Region Multi-Agency Strike Force Operation targeted shipments at the World Trade International and Laredo Colombia Solidarity International bridges import/export lots, Port of Laredo, Kansas City Southern Rail Yard, and roadside motor carrier inspection sites. Representatives from Federal, State, and local agencies jointly conducted inspections of commercial motor vehicles and rail shipments as they entered and exited the Texas-Mexico border.



Laredo World Trade Port of Entry, World Trade International Bridge - Laredo, TX



Laredo Colombia Solidarity International Bridge - Laredo, TX



Freight trains at the Kansas City Southern Yards in Wharton County, Texas

Multi-Agency Strike Force Operation Inspections Results

The Multi-Agency Strike Force Operation deployed teams at four locations along the Laredo border crossing. PHMSA, FMCSA, FRA, CBP, and Texas Public Safety officials performed 822 inspections of commercial motor vehicles, freight containers, cargo/portable tanks, and rail tank cars, found 88 hazardous materials violations, removed 39 vehicles from service, and made 12 arrests.

Location	Inspections	Hazmat Violations Found	Type of Action Unsafe Vehicles Taken off the Road	Arrests
1272 & Pico Road	86	9	35	12
Colombia Bridge	83		4	
Port Laredo & KCS RWY	305	71		
World Trade Bridge	348	8		
Total	822	88	39	12



Team 1 - World Trade Bridge, PHMSA/CBP/FMCSA



Team 2 - Road Side Inspection, PHMSA/Texas DPS



Team 3 - Colombia Bridge, PHMSA/CBP/FMCSA



Team 3 Colombia Bridge, PHMSA/CBP/FMCSA



Team 3 - Colombia Bridge, PHMSA/CBP/FMCSA



Team 5 - Port Laredo & KCS RWY, PHMSA/FRA

PHMSA Outreach and Engagement Workshops

PHMSA's Hazardous Materials Safety Assistance Team conducts workshops specialized to meet the needs of industry and the public safety community. Hazardous materials transportation workshops provide a basic overview of the regulatory requirements: what they are, how they apply, and how to comply with them – for shipping and transporting hazardous materials. PHMSA also provides public safety workshops specifically designed to help Federal, State, and local emergency responders, law enforcement, and local governments understand the Hazardous Materials Regulations (HMR; 49 CFR

parts 171-180). The workshops cover the use of the Emergency Response Guidebook (ERG), locating emergency response information, and information that every emergency responder should know to safeguard themselves and the public.

In recent years, PHMSA has conducted 19 outreach and engagement workshops to Federal, State, and local law enforcement agencies along the U.S.-Mexico border. Through these workshops, PHMSA has trained 470 people on the HMR, the ERG, and locating emergency response information.

Location	Type of Training		Total by Location
	HM Transport	Public Safety	
Laredo, TX	86 trained at 3 workshops	154 trained at 6 workshops	240 trained at 9 workshops
McAllen, TX	54 trained at 2 workshops		54 trained at 2 workshops
Corpus Christi, TX	43 trained at 2 workshops		43 trained at 2 workshops
San Antonio, TX	33 trained at 1 workshop		33 trained at 1 workshop
El Paso, TX	33 trained at 1 workshop		33 trained at 1 workshop
Los Cruces, NM	19 trained at 1 workshop		19 trained at 1 workshop
Eagle Pass, TX		19 trained at 1 workshop	19 trained at 1 workshop
San Juan, TX		16 trained at 1 workshop	16 trained at 1 workshop
Pharr, TX		13 trained at 1 workshop	13 trained at 1 workshop
Total by Training Type	268 trained at 10 workshops	202 trained at 9 workshops	470 trained at 19 workshops

CONTINUED WORK AT INLAND PORTS OF ENTRY

PHMSA must continue its coordinated efforts to ensure the safe movement of hazardous materials through inland POE serving the borders of the United States and Mexico. This includes active participation in coordinated strike force inspections at inland POE. PHMSA must also help those most likely to be impacted by hazardous materials shipments through their communities near inland ports, to mitigate the risks involved and create coordinated emergency plans. PHMSA must continue its outreach and engagement with industry and the public safety workers most impacted. PHMSA will continue to provide grants and engage with SERCs and LEPCs to emphasize the importance of preparedness and response activities in communities with international POE along the U.S.-Mexico border in Texas, New Mexico, Arizona, and California.