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Groups File Legal Challenge to Stop "Bomb Trains"

A proposed new federal rule poses major explosion risk throughout U.S.

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Tallahassee, Fla. – Earthjustice filed a <u>legal challenge</u> today on behalf of several groups against a dangerous federal rule that would allow trains to travel the country filled with an unprecedented amount of explosive liquefied natural gas.

The liquefied natural gas from just one rail tank car — without even considering a whole train — could be enough to destroy a city.

"It would only take 22 tank cars to hold the equivalent energy of the Hiroshima bomb," said Earthjustice attorney Jordan Luebkemann. "It's unbelievably reckless to discard the critical, long-standing safety measures we have in place to protect the public from this dangerous cargo. That's why we're filing this challenge."

If it escapes containment, liquefied natural gas rapidly expands by 600 times its volume to become a highly flammable gas – and can turn into a "bomb train." In one of the worst examples of the danger, 131 people were killed and a square mile of Cleveland, Ohio, was destroyed when liquefied natural gas escaped from a tank farm, flowed into the city's sewer system and ignited in 1944.

Earthjustice filed today's legal challenge to the Pipeline and Hazardous Materials Safety Administration's rule on behalf of the Center for Biological Diversity, the Clean Air Council, the Delaware Riverkeeper Network, the Environmental Confederation of Southwest Florida, the Mountain Watershed Association, and the Sierra Club.

"There's a very good reason liquefied natural gas has never been shipped by rail in this country, and that's because it's wildly unsafe," said Joseph Otis Minott, Executive Director and Chief Counsel of the Clean Air Council. "I don't want these dangerous trains going through my neighborhood, and trust me, you don't either."

Under current federal law, it's considered too dangerous to carry liquefied natural gas in tank cars. It can only be transported by truck and - with special approval by the Federal Railroad Administration - by rail in approved United Nations portable tanks. UN portable tanks are relatively small tanks that can be mounted on top of semi-truck trailer beds or on railcars.

"This reckless plan to move explosive fracked gas by rail poses a dire threat to workers and communities, all for the sake of benefiting the fossil fuel industry," said Sierra Club Senior Attorney Nathan Matthews. "We will not allow this dangerous plan to go unchallenged."

The federal effort to cut critical safeguards for liquefied natural gas started on April 10, 2019, when President Donald Trump issued an executive order directing the Pipeline and Hazardous Materials Safety Administration to initiate rulemaking to allow liquefied natural gas transport by rail. Tanker rail cars can hold roughly three times the volume of the UN portable tanks. Other than two isolated experiments on Alaska and Florida rail lines with the UN portable tanks, and one special-permit recently issued by PHMSA for transport between Pennsylvania and New Jersey, rail-based liquefied natural gas shipments have been effectively banned in the U.S., and for good reason.

The proposed rule would allow liquefied natural gas transport by rail in tanker cars that cannot withstand high-speed impacts. These rail cars are untested and unproven.

"Under this new rule, it's only a matter of time before we see an explosion in a major population center," said Emily Jeffers, an attorney with Center for Biological Diversity. "Since the Trump Administration isn't upholding its duty to protect the American people from disaster, we're taking them to court."

Liquefied natural gas can also produce a BLEVE, or "boiling liquid expanding vapor explosion." During a BLEVE, pressurized liquid 'explodes' both chemically and physically (simultaneously vaporizing and combusting). A BLEVE creates three primary dangers: a blast wave, projections of the container fragments, and in the case of flammable vapors, a fireball.

In 2013, a train carrying crude oil – less explosive than liquefied natural gas - derailed in Lac Mégantic, Quebec. The resulting fire led to BLEVEs of numerous tank cars, which leveled the town center and killed 47 people. A BLEVE of a liquefied natural gas tank car would potentially produce a fireball up to a mile wide and would be significantly more powerful than what happened in Lac Mégantic.

"These railcars are moving bombs," said Becky Ayech, president of the Environmental Confederation of Southwest Florida, one of the groups which joined the legal challenge.

The Pipeline and Hazardous Materials Safety Administration's rule proposes no restrictions on the number or distribution of liquefied natural gas tanker cars in a particular train, nor on the routes these trains may travel.

Under the rule, bomb trains would be subject to a *voluntary* speed limit of up to 50 mph through densely-populated cities. Officials at the Federal Railroad Administration have noted that tank cars are unlikely to survive impacts at even 30 mph.

"Bringing such a dangerous substance through the heavily used railway along the Youghiogheny River (in Pa.) is a disaster waiting to happen due to failing infrastructure, the proximity to an invaluable drinking water source, and the threat to thousands of visitors enjoying Ohiopyle State Park, known as the crown jewel of PA State Parks," said Youghiogheny Riverkeeper Eric Harder. "An explosion or spill would destroy the river and communities that depend on it. Landslides from the rail can be seen while floating down the Lower Yough, one of the busiest sections of whitewater rafting in the US. The steep terrain, combined with the impacts from climate change and outdated infrastructure, are a recipe for destruction."

"When the Pipeline and Hazardous Materials Safety Administration rushed through this reckless proposal to transport liquefied natural gas in railcars that were designed 50 years ago and never tested or used for liquefied natural gas, it was clear this rulemaking presented a threat that must be vigorously challenged," said Tracy Carluccio, Deputy Director of the Delaware Riverkeeper Network. "It is unconscionable to expose the public and the environment to the risk of a liquefied natural gas catastrophe and the unavoidable consequences of the cradle to grave impacts of fracking, especially considering the unique dangers of liquefied natural gas and the known human health and environmental costs of shale gas development. We join with or partners today to appeal for the protection we need from this wrong-headed federal rulemaking."

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