Growth Energy™
Expanding America's Bioeconomy

December 4, 2023

William Schoonover
Associate Administrator for Hazardous Materials Safety
Pipeline Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
Docket No. PHMSA-2019-0031 (HM-265A)

RE: Comments on Hazardous Materials: Modernizing Regulations to Improve Safety and Efficiency Advanced Notice of Proposed Rulemaking

Dear Mr. Schoonover:

Thank you for the opportunity to comment on the Pipeline Hazardous Materials Safety Administration's (PHMSA) advanced notice of proposed rulemaking on Modernizing Regulations to Improve Safety and Efficiency. Growth Energy is the world's largest association of biofuel producers, representing 93 U.S. plants that each year produce 9 billion gallons of renewable fuel; 115 businesses associated with the production process; and tens of thousands of biofuel supporters around the country. Together, we are working to bring better and more affordable choices at the fuel pump to consumers, improve air quality, and protect the environment for future generations. We remain committed to helping our country diversify our energy portfolio in order to grow more green energy jobs, decarbonize our nation's energy mix, sustain family farms, and drive down the costs of transportation fuels for consumers.

The United States is home to 210 biorefineries across 27 states that have the capacity to produce more than 17 billion gallons of low-carbon, ethanol. Today, ethanol makes up more than 10 percent of our nation's fuel supply, and we're poised to do much more with expanded use of higher ethanol blends like E15, a fifteen percent ethanol fuel blend.

To deliver low-cost, low-carbon fuel to American drivers, our industry is dependent on safe, timely, and efficient rail service, with nearly 70 percent of our production moved by rail. In fact, ethanol represents the largest hazmat commodity shipped by rail, with 438,000 carloads shipped and a fleet of nearly 39,000 cars in 2021 alone.[1][2] Additionally, our industry ships more than 200,000 cars per year of distillers dried grains

[1] U.S. Department of Agriculture Annual U.S. Rail Carloads of Ethanol: Annual U.S Rail Carloads of Ethanol | Open Ag Transport Data (usda.gov)
[2] Railway Supply Institute Ethanol Fleet and Composition: Progress - Tank Car Resource Center

(DDGS) and more than 10,000 cars of corn oil. Rail service is vital to moving ethanol and related coproducts from our biorefineries, located primarily in the Midwest, to consumers across the country and around the world.

From 2005 through 2021, our industry shipped 5.24 million tanker cars of ethanol safely to destinations throughout the country.[3] In that time, our industry has experienced just a handful of notable derailments, representing a fraction of a percent of all ethanol trains. None of these derailments were caused by our product. In nearly all of ethanol derailments, the cause has been either broken track or railroad failure.

After a lengthy and extensive process over the last decade, our industry has completely turned over our entire tank car fleet, thus meeting the compliance deadline of the FAST Act for ethanol cars. Our industry has already phased out the use of the DOT 111 railcar and is nearing the final phaseout compliance deadline for the few potential remaining CPC1232 cars in use for ethanol. According to the Railway Supply Institute (RSI), the new DOT 117 car represented nearly 80 percent of cars in use in 2021.[4] With these moves, our industry has invested significantly in purchases and long-term leases to meet the compliance requirements while accommodating the growing need for biofuels.

Tank Car Thermal Protection Standard

While there are a number of items in the ANPRM relative to rail transport, we want to raise our strongest concerns with the discussion about a possible revision to the thermal protection standard under section Z. The ANPRM discusses several items relative to the tank car thermal protection standard. The current thermal protection standard is a performance requirement of a tank car and thermal protection system when exposed to a 1600-degree F pool fire for 100 minutes, and a 2200-degree F torch fire for 30 minutes.

Notably, the ANPRM talks about an effort to potentially double the existing performance standard to 200 minutes with seemingly little rationale for doing so. Our members are firmly committed to safe transport of ethanol by rail; however, we believe additional thermal protection measures may not be practical and do not offer a significant benefit especially when weighed with the potential impact on cost and the supply chain for both new cars and the existing fleet. While there are a great deal of questions about what impact may occur by doubling the performance standard, the ANPRM and Norfolk Southern provide very little data about what the potential benefit may be from such a major change. Presumably, doubling the performance standard may offer some limited delay on a high pressure or high energy event; however, the change does nothing to prevent such an event and more importantly does nothing to address the root cause of a train derailment. Additionally, adding more thermal insulation would add substantially

[3] U.S. Department of Agriculture, *Ibid.*
[4] RSI, *Ibid.*

more weight that would reduce the amount of ethanol shipped in each tank car which would then require more ethanol shipments added to the rail line. More shipments added to the rail line would thus increase the potential for an incident.

Growth Energy and its members fully support and continue to advocate for the continued safe transport of ethanol by rail. We believe that the overwhelming majority of ethanol shipments continue to be made safely and without incident each and every day, and that additional data and analysis needs to be done well ahead of changing the existing thermal protection performance standard given the tremendous impact on the existing rail infrastructure and ultimately on American consumers. While not covered directly in this ANPRM, we are hopeful that PHMSA and the Federal Rail Administration (FRA) continue to address the root causes and solutions to derailments and regulatory efforts be focused on these root causes accordingly.

Thank you for the opportunity to comment and in advance for your consideration.

Sincerely,

Chris Bliley
Senior Vice President of Regulatory Affairs
Growth Energy