

Statement of

**Mary L. Pileggi
North American Logistics Manager
DuPont**

On behalf of the American Chemistry Council

before the

**United States House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines & Hazardous
Materials**

**“Railroad and Hazardous Materials Transportation
Programs: Reforms and Improvements to Reduce
Regulatory Burdens”**

April 7, 2011

Thank you, Chairman Shuster and Ranking Member Brown. My name is Mary Pileggi and I am here to testify on behalf of the American Chemistry Council, a trade association representing America's leading chemical companies. I am the North American Logistics Manager for DuPont. I am responsible for all modes of materials transport in the United States and Canada, and I appreciate the opportunity to appear before this Subcommittee.

DuPont purchases approximately \$550 million in transportation in North America so you can understand why the topic of today's hearing is of great importance to DuPont as well as the other members of ACC.

I would like to start by underscoring the important role the products supplied by DuPont and all of ACC's members, including hazardous chemicals, serve in virtually every aspect of our lives.

The nation depends on chemical producers every day to form the building blocks and processes that are necessary for safe drinking water, life-saving medications and medical devices, a safe and plentiful food supply, energy-saving solar panels and much more.

Chemical producers rely on railroads and other modes of transportation to deliver chemicals wherever they are needed to get the job done – from water treatment plants to farms to factories.

Because some of these chemical shipments involve hazardous materials, we are constantly working with our transportation partners to find ways to build upon an already impressive safety record.

Through ACC's Responsible Care® initiative, ACC member companies and our Partners are committed to continuous safety improvement in every aspect of the transportation of our products. Collectively, we have invested billions of dollars in training, technology and tank car safety, and we will continue to do so in the future.

ACC and its member companies also have worked hard to establish a strong and successful partnership with the emergency response community. For example, ACC members, together with the railroads and other stakeholders, developed TRANSCAER®, a voluntary national training effort that helps communities prepare for and respond to possible hazardous material transportation incidents.

Emergency responders also have access to a wide variety of experts through ACC's CHEMTREC® program. When an incident takes place, responders contact CHEMTREC's state-of-the-art, 24/7 emergency center to determine the best way to handle a wide range of hazardous materials.

I want to personally invite the members of this Subcommittee and their staff to tour our CHEMTREC emergency center or attend a TRANSCAER event, to see how we work with local responders to help protect your communities.

We also understand that the Federal Government has and must continue to play a central role when it comes to ensuring the safe transportation of hazard materials.

With the Hazardous Transportation Materials Act (HTMA), Congress wisely established a comprehensive national regulatory system for hazardous materials transportation administered by the Department of Transportation (DOT). The goal of this system is not to prevent the movement of chemicals and other hazardous materials but to ensure they are delivered safely, securely and reliably.

HMTA has worked well in making the transportation of chemicals and other hazardous materials throughout the country safe for the public, workers and emergency responders.

We understand Congress will soon consider legislation to reauthorize HMTA. ACC and our members would like to go on record in strong support of this uniform national regulatory hazmat program, which ensures that training, transportation equipment, emergency preparedness, and all other aspects of hazmat distribution are consistent across the nation.

ACC is, however, concerned about one aspect of DOT's current administration of the regulatory program established under HMTA. "Special permits," which are issued under 49 U.S. Code Section 5117, allow safety-based variations from DOT's hazardous materials rules. Applicants for special permits come forward with proposals which can only be granted if DOT finds there to be at least an equivalent level of safety to what a rule provides.

Special permits are a win-win process: Industry gains flexibility with no loss of safety. DOT learns of new procedures and technologies that can later be incorporated into hazardous materials regulations on the basis of experience that has been monitored by the agency.

Unfortunately, DOT has recently imposed unnecessary paperwork barriers that have slowed the approval of special permits and increased costs to shippers, carriers, and the providers of hazardous materials packages. We urge the Subcommittee to strengthen the important special permits process by instructing DOT to rescind those overly complex and burdensome interpretations.

ACC and its members also support a sensible approach to the implementation of the Rail Safety Improvement Act that seeks to deploy new technologies like Positive Train Control (PTC). PTC and other risk mitigation measures have the potential for advancing safety and providing productivity benefits for not only the transportation of hazardous materials but also for the overall rail system.

While the goal of safety must be paramount, regulations must be implemented in a way that supports the President's Executive Order 13563, which calls for agencies to "identify and use the best, most innovative and least burdensome tools for achieving regulatory ends."

ACC understands that DOT, and possibly Congress, will reconsider important aspects of the current PTC rule and we support finding less burdensome means to achieve the safety objectives of the Act. As that effort moves forward, whether it is through regulation or legislation, any changes to the implementation of the PTC rule must remain consistent with the common carrier obligation, and allow chemical producers to ship products where our customers need them, now and into the future. It is also critically important to ensure that the costs of implementing PTC technologies are allocated fairly across the board as all parties will benefit from a safer national rail network.

The United States needs a safe and reliable system of hazardous material transportation governed by uniform national rules. That is the system we have today. The challenge, for both the private and public sectors, is to ensure all stakeholders work together to ensure this system continuously improves and remains competitive in the global markets that we serve.

We look forward to working closely with the Committee, the Congress and Department of Transportation to achieve this goal.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: Mary Pileggi

(2) Other than yourself, name of entity you are representing:

The American Chemistry Council

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

None per ACC

Mary Pileggi
Signature

4/5/11
Date

Bio of Mary Pileggi

Mary L. Pileggi is the North America Region Logistics Manager for DuPont. She began her career at DuPont in late 1999 in the Sourcing and Logistics organization. Mary joined the Logistics group as a Buyer for Rail Procurement and Services. She then transitioned into the Modal Leader position, leading the DuPont Rail Team. In 2004, she moved into the North America Region Logistics Manager role where she assumed her current position of managing the domestic freight transportation procurement and services teams for DuPont in the US and Canada region..

Prior to employment at DuPont, Mary worked at Consolidated Rail Corporation (Conrail) in Philadelphia for nineteen years in various positions in their Marketing department. She held positions ranging from Pricing Analyst to Director of Marketing for the Petrochemicals, Minerals and Waste Business Unit and was retained to assist Conrail through the transition of the sale to CSXT and Norfolk Southern until mid 1999.

Mary holds a Bachelor of Science in Mathematics from St. Joseph's University and an Executive MBA from Drexel University.