

**Statement of
The Honorable Corrine Brown, Chairwoman
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Hearing on
“Railroad-Owned Solid Waste Transload Facilities”
October 16, 2007**

The Subcommittee on Railroads, Pipelines, and Hazardous Materials is meeting today to hear testimony on Railroad-Owned Solid Waste Transload Facilities. I want to thank Congressman Frank Pallone and other Northeast Members who have been closely monitoring this issue and requested today’s hearing.

Americans are producing more waste than ever. In 1960, the United States generated 88 million tons of municipal solid waste. In 2005, that amount has grown to nearly 246 million tons, or 4.5 pounds per person per day. As a result, it is harder than ever to get rid of our trash.

There are many reasons for this. The consolidation of the waste management industry, the challenges of constructing new landfills, and the closing of older landfills are making it harder for states and municipalities to deal with the growing problem.

Rail is an important transportation mode for the solid waste industry. Its importance is increasing as the distance to landfills from our cities and communities grows longer and fuel costs continue to rise.

However, there is a growing concern in the Northeast that some railroads are using Federal preemption standards to shield themselves from important state and local environmental laws. Instead of merely “transloading” waste by taking it from trucks and placing it on rail cars, some railroads in the Northeast are operating like transfer stations, putting waste on the ground, sorting it, baling it, and processing it before it goes to the rail site. Solid waste companies that do this work are required to comply with state and local environmental laws while the railroads – which are doing the same work – claim that they are not subject to those laws because of Federal preemption standards.

I believe that we should not interfere with interstate commerce, because we do not want a patchwork of state and local regulations, but it is clear that someone needs the authority and the manpower to ensure that railroad operated waste transfer stations are not posing a health or environmental risk to the communities where they are operating.

I look forward to hearing from today’s witnesses, and learning how we can protect communities from harm without creating further problems in disposing of municipal solid waste.