Testimony of National Safety Council
to
U.S. House of Representatives
Energy and Commerce Committee
Subcommittee on Environment, Manufacturing, and Critical Materials
Hearing on
"Government Response to East Palestine: Ensuring Safety and Transparency for the Community"
March 28, 2023

Chair Johnson, Ranking Member Tonko and members of the Subcommittee, the National Safety Council (NSC) appreciates the opportunity to submit these comments to improve railroad workplace safety. NSC was founded by the business community to improve workplace safety over 100 years ago. We continue to support safe and healthy workplaces, consulting with hundreds of workplaces each year—including high hazard workplaces—and we are honored to share our learnings with the Committee here today.

NSC is America's leading nonprofit safety advocate and has been for more than 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace and roadway. We create a culture of safety to keep people safer at work and beyond so they can live their fullest lives. Our more than 13,000 member companies represent employees at nearly 41,000 U.S. worksites.

Despite differences among business operations, there are key factors that are common among safety programs. NSC believes that optimum safety performance requires strong Safety Management Systems (SMS) and an organizational culture that prioritizes high safety standards, incident prevention and preparedness. Of course, continual improvement and learning must be fully integrated into any safety program.

America's rail operators, like other industries with similar risk profiles, need to have strong safety and health programs that address:

- Personal safety – employees and teams
- Contractor safety – critical partners in safe operations and maintenance
- System safety – assets, infrastructure, operating systems, maintenance
- Public safety – customers, communities and the general public

Key factors of successful programs include the following concepts:

1. Management commitment
2. Employee involvement
3. Training
4. Hazard/risk identification
5. Hazard control

There are learnings to be gained from organizations that implement safety and health systems well. NSC believes that the U.S. Nuclear Regulatory Commission Normative Framework, 10 Traits for a Healthy Safety Culture, is time-proven methodology for evaluating culture and has wide applicability to a number of industries.[1] The components of this framework include:

1. **Leadership Safety Values and Actions** – Leaders demonstrate a commitment to safety in their decisions and behavior.
2. **Personal Accountability** – All individuals take personal responsibility for safety.
3. **Decision-Making** – Decisions that support or affect safety are systematic, rigorous and thorough.
4. **Questioning Attitude** – Individuals avoid complacency and continuously challenge existing conditions and activities to identify discrepancies that might result in error or inappropriate actions.
5. **Environment for Raising Concerns** – A safety conscious work environment (SCWE) is maintained where personnel feel free to raise safety concerns without fear of retaliation, intimidation, harassment or discrimination.
6. **Respectful Work Environment** – Trust and respect permeate the organization.
7. **Work Processes** – The process of planning and controlling work activities is implemented so that safety is maintained.
8. **Effective Safety Communication** – Communications maintain a focus on safety.
9. **Organizational Learning** – Opportunities to learn about ways to ensure safety are sought out and implemented.
10. **Problem Identification and Resolution** – Issues potentially impacting safety are promptly identified, fully evaluated, and promptly addressed and corrected commensurate with their significance.

There is always an opportunity to improve safety to protect all stakeholders. Every worker deserves to return home in the same way he or she went to work. NSC welcomes an opportunity to work with the Committee on these issues and build upon efforts started in the Rail Safety Improvement Act.[2]

---

[1] https://www.nrc.gov/about-nrc/safety-culture.html
[2] Public Law 110-432