



U.S Department of Transportation
Office of Public Affairs
1200 New Jersey Avenue, SE
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News

FRA 01-24
January 25, 2024
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Federal Railroad Administration Issues Final Rule Requiring Emergency Escape Breathing Apparatuses in Trains Carrying Hazmat

After Norfolk Southern derailment in East Palestine, Rule strengthens worker safety by requiring railroads to provide protective gear for neck and face coverage with respiratory protection

WASHINGTON, D.C. – The Federal Railroad Administration (FRA) today announced a final rule to improve employee safety on freight trains transporting hazardous materials. The rule requires railroads to provide emergency escape breathing apparatuses (EEBAs) for train crew members and other employees who could be exposed to an inhalation hazard in the event of a hazardous material, or hazmat, release. Railroads must also ensure that the equipment is maintained and in proper working condition and train their employees in its use. This rule was advanced after the Norfolk Southern derailment in East Palestine.

“As FRA continues to advance rail safety and address concerns related to the transportation of hazardous materials, this new rule will implement needed protections for the workers who transport these products around the country,” said **FRA Administrator Amit Bose**. “The safety needs and benefits of EEBAs have long been established by past tragedies and research, and this rule will provide rail employees with the knowledge and tools to minimize potential dangers.”

Although casualties and fatalities caused by inhalation of hazmat are rare, train crew fatalities in 2004 and 2005 resulting from chlorine gas inhalation demonstrated that employee protections are necessary. The final rule fulfills the mandate in the Rail Safety Improvement Act of 2008 that FRA issue regulations requiring railroads to provide EEBAs and training in their use. The rule also addresses similar recommendations made by the National Transportation Safety Board.

As part of this final rule, FRA conducted a Regulatory Impact Analysis (RIA), which presents estimates of the costs likely to occur over the first 10 years of industry’s compliance with the final rule. The RIA will help facilitate railroads’ implementation of the rule’s requirements for EEBAs. As part of the benefits of the new rule, the analysis finds that in addition to heightened safety and the prevention of

injuries for covered employees, it will allow for earlier public notification in the event of hazmat releases.

The final rule on Emergency Escape Breathing Apparatus Standards is on public inspection in the *Federal Register* [here](#) and will be published tomorrow.

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