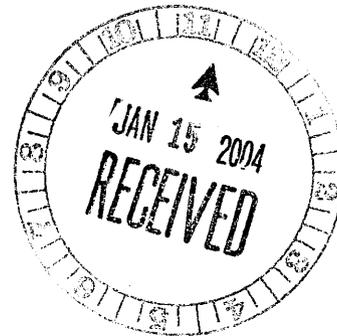


Paul Iversen  
809 3rd Avenue  
Two Harbors, MN 55616  
218-834-5248 (phone)

Ms. Victoria J. Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street N.W. Suite 500  
Washington D.C. 2043-0001  
2



Jan. 7, 2004

Dear Ms. Rutson:

I recently reviewed the Safety Integration Plan (SIP) submitted by Canadian National Railway Co. and Grand Trunk Corp. (CN) on the proposed acquisition of Duluth Missabe and Iron Range Railway (DM&IR) and other small railroads. That Document was entered into the Office of Proceedings on Dec. 17th, 2003. The SIP is identified as STB Finance Docket No. 34424. I would like to comment on the SIP.

Summary; Due to a lack of investment and a tremendous amount of deferred maintenance at the Port of

Two Harbors (and possibly Duluth) I would recommend that CN be asked to enter into a voluntary program with OSHA and the Minnesota Pollution Control Agency (MPCA). This program would study and remediate long-standing safety and pollution problems including but not limited to walkway lighting, walkway cleaning, ore dock spout and hoist rehabilitation, dust control of taconite, and excessive oil leakage of machinery.

The taconite storage facility and shiploader and ore docks at the Port of Two Harbors (and to a lesser extent, Duluth) are an integral aspect of ore movement for DM&IR. This facility employs possibly 25% of the total DM&IR workforce, yet was never even mentioned in the SIP.

The ore docks in Two Harbors are approximately 80 years old and still in use. The taconite storage facility and shiploader are approximately 26 years old. The Port of Two Harbors is really the workhorse of the taconite transportation industry as a whole, shipping more taconite than any other port on Lake Superior. In the 2003 shipping season, the Port of Two Harbors will ship about 12 million long tons of taconite, compared to the Port of Duluth's 3 million long tons.

Like any railroad, the taconite storage facility runs twenty-four hours a day, 365 days per year in all weather, including 20 degrees below zero (actual temperature, not just wind-chill) and Lake Superior Blizzard conditions. The work includes tasks and skill sets similar to that of millwrights and iron workers in the construction industry, in addition to normal maintenance. Much of this work is done at raised heights, as much as 80 feet above the waters of Lake Superior.

The DM&IR has been for sale a number of times for the past several years. Due to this "reality" regular maintenance has been deferred, safety projects have been deferred, and there has generally been very little investment at the Port of Two Harbors, unless the need was dire, all in an effort to enhance its financial

attractiveness.

Examples of deferred projects include:

1. Walkway lighting - as a whole this lighting is poor to good, at best. Lighting is non-existent at many stairways. Many lights are burned out and not changed... sometimes 4 or 5 in a row. Structural changes have taken place over the years, however lighting changes have not kept up. I truly believe that very little lighting at the Port of Two Harbors is OSHA compliant.
2. Numbering of ore dock hoists and storage pockets - there are about 300 of these hoists and the storage pockets associated with them, and 21 shiploader shuttles. The numbering of these items is poor to non-existent. The numbering is faded and illegible, and in the poor lighting conditions it is easy for mix-ups to occur. Mis-identification of a hoist or storage pocket or shuttle can easily contribute to serious injury or death. This is a simple maintenance item which has been deferred, and only the very high skill level and dedication of the workers has prevented tragedy thus far.
3. Walkway cleaning - this is poor to non-existent, due to a pared-down workforce. The hazard of poor walking conditions on these walkways is further worsened by the poor lighting. It isn't bad enough to be walking on spilled taconite pellets and pellet dust, there is also the problem of snow and ice in several months of the Minnesota shipping season. Cleaning which was done on a monthly and weekly basis is not even done yearly, now. Frozen dust piles can be 3 feet high in some places. The workers who used to do this work are furloughed for several months at a time. The remaining workforce is already spread too thin, and cannot do the amount of cleaning that is needed.
4. Ore dock spouts are not being maintained - these spouts are 80 years old and work well with regular maintenance. Now, they will snap in half while loading boats, having gotten worn out from the abrasive effects of the material being loaded. The broken spouts need to be repaired as quickly as possible, as there are not enough spares. This work must be done in every kind of weather, day or night. A regular spout rehabilitation program would prevent many of these breakdowns.
5. Taconite dust - this dust is generated when the taconite pellets are handled, either dumping or loading. It has been an ongoing problem for workers and the community of Two Harbors for many years. Baghouses suffer from a lack of maintenance and water sprays are used at the whim of foremen who don't always realize how dusty the taconite is. Baghouses need to be upgraded and maintained, and more importantly, watersprayer use on conveyor belts should be mandatory. They should only be shut off if the pellets are deluged with water before handling. At present, waterspray use is on an "as needed" basis, which is open to a broad interpretation of just what is "too much dust." The DM&IR has been fined by the MPCA several times for excessive dust.
6. Fire extinguishers are checked sporadically - sometimes not for 5 or 6 months. They should be checked monthly.
7. Due to a lack of maintenance, much of the large machinery leaks oil. A significant amount of this machinery is only a few hundred feet from Lake Superior or creeks which drain into the lake.

My recommendation would be that, referring to the SIP a significant portion of CN's capital investment (K) pp 73-78 be used for 1) walkway lighting at the Port of Two Harbors, 2) an ore dock rehabilitation program for spouts, hoists, bin fronts, and doors at the Port of Two Harbors, 3) a massive rehabilitation program for machinery, especially MX reclaimers, to prevent oil spills at the Port of Two Harbors, 4) a walkway cleaning program (as much a policy change as structural change) at the Port of Two Harbors and 5) a truly effective dust control program (which again is part policy change, part infrastructure upgrade and maintenance) at the Port of Two Harbors.

The CN, by working objectively and with good will with OSHA, the MPCA, and employee organizations, could easily rectify - in some cases quickly and in some cases over a period of years - all of these safety and environmental concerns.

I have input on several other statements in the SIP itself.

- pp 7/12, line #1, "strong commitment to safety can begin at the top." I believe a commitment to safety can begin at any level of a company, including the bottom-level workers, if corporate culture allows it.
- pp 11/16 lines 9 and 10, "external experts" This is exactly what I would like to see done, with lighting, dust control, and so on, using OSHA and the MPCA.
- pp 12/17 and 13/18, I find I cannot agree with these pages, especially during the last few years of deferred maintenance and workforce cuts. I feel the DM&IR's commitment to safety is poor to good at the Port of Two Harbors.
- pp 73/78 lines 17 and 18 (K- capital investment), I would ask that a large portion of the 300 million dollars be used for safety and structural rehabilitation and equipment upgrade at the Port of Two Harbors.
- pp 74/79 lines 8 and 9, this is absolutely true. GLT (DM&IR) has been very modest in investment and at least at the Port of Two Harbors does investment by crisis (equipment breakdown.)

These supporting documents are enclosed:

1. A MN OSHA safety and health poster, highlighted at the "voluntary compliance" and "consultation" paragraphs.
2. Ore boat arrival lists for the ports of Duluth and Two Harbors from 1/3/04 to 1/16/04, showing the huge differences in the number of boats and ore tonnage shipped.

Thank you for your time. If you have any questions concerning these comments please contact me. My home phone number is also my daytime phone number.

Yours truly,



Paul Iversen

# Vessel ETA Report

City: TWOHARBORS

Vessel	Due Date	Time	Dock Spot	Amount	Cust Consignment	Consignment	Destination	Docks		Yard		Tons Needed
								Cars	WT	Cars	WT	
ROGER BLOUGH	01/03/2004	17:00	SL	40,000 GT		MOO ACID PELLE	GARY	161	12,183	134	9,395	18,422
COLUMBIA STAR	01/04/2004	02:00		54,000 GT		INLAND FLUX PEL	INDIANA HARB	16	1,027	0	0	52,973
CASON J CALLAWAY	01/04/2004	08:00	N-2,402	23,000 GT		MOO ACID PELLE	ASHTABULA	110	7,500	0	0	15,500
INDIANA HARBOR	01/04/2004	12:00	SL	54,000 GT		INLAND FLUX PEL	INDIANA HARB	0	0	0	0	54,000
ST CLAIR	01/04/2004	21:00	SL	34,000 GT		MOO FLUX PELLE	LORAIN	15	916	117	7,091	25,993
OGLEBAY NORTON	01/05/2004	11:00	SL	54,000 GT		INLAND FLUX PEL	INDIANA HARB	0	0	0	0	54,000
EDGAR B SPEER	01/06/2004	06:00	SL	55,500 GT		MOO FLUX PELLE	GARY	0	0	0	0	55,500
JOSEPH L BLOCK	01/08/2004	02:00	SL	29,000 GT		INLAND FLUX PEL	INDIANA HARB	0	0	0	0	29,000
PRESCUE ISLE	01/08/2004	03:00	SL	49,000 GT	USS ECORSE	MOO FLUX PELLE	DETROIT	0	0	0	0	49,000
WALTER J MCCARTHY	01/08/2004	05:00	SL	54,000 GT		MOO FLUX PELLE	GARY	0	0	0	0	54,000
ROGER BLOUGH	01/09/2004	12:00	SL	40,000 GT		MOO FLUX PELLE	GARY	0	0	0	0	40,000
PHILIP R CLARKE	01/10/2004	06:00	SL	23,000 GT		MOO FLUX PELLE	GARY	0	0	0	0	23,000
CASON J CALLAWAY	01/11/2004	02:00		23,000 GT		MOO ACID PELLE	ASHTABULA	0	0	0	0	23,000
ST CLAIR	01/11/2004	04:00	SL	34,000 GT		MOO FLUX PELLE	LORAIN	0	0	0	0	34,000
JOHN G MUNSON	01/11/2004	12:00	SL	24,500 GT	USS ECORSE	MOO FLUX PELLE	DETROIT	0	0	0	0	24,500
EDGAR B SPEER	01/12/2004	03:00	SL	55,500 GT		MOO ACID PELLE	GARY	0	0	0	0	55,500
PRESCUE ISLE	01/13/2004	10:00	SL	49,000 GT	USS ECORSE	MOO FLUX PELLE	DETROIT	0	0	0	0	49,000
EDWIN H GOTT	01/15/2004	07:00	SL	55,500 GT		MOO ACID PELLE	ASHTABULA	0	0	0	0	55,500
ROGER BLOUGH	01/15/2004	07:00		40,000 GT		MOO ACID PELLE	CONNEAUT	0	0	0	0	40,000

1-218-834-8180 DMIR TWO HARBORS DOK 925 P02/P03 JHN 03 04 11:43

1/3/2004 11:40:11AM EST

# Vessel ETA Report

City: TWOHARBORS

Vessel	Date	Time	Dock Spot	Amount	Cust Consignment	Consignment	Destination	Docks		Yard		Tons Needed
								Cars	WT	Cars	WT	
JOHN G MUNSON	01/16/2004	21:00		23,500 GT		MOO FLUX PELLE	GARY	0	0	0	0	23,500
				<u>814,500</u>				302	21,625	251	16,487	776,388

*Handwritten note:* 814,500 - 1-3-04 for -10-010

1/3/2004 11:39:24AM EST

# Vessel ETA Report

City: DULUTH

Vessel	Date	Time	Dock Spot	Amount	Cust Consignment	Consignment	Destination	Docks		Yard		Tons Needed
								Cars	WT	Cars	WT	
MICHIPICOTEN	01/04/2004	23:00	SL	20,500 GT		UNI PELLETT	NANTICOKE	0	0	315	21,326	0
JAMES R BARKER	01/05/2004	01:00	SL	53,000 GT		UNI PELLETT	NANTICOKE	0	0	315	826	52,174
NANTICOKE	01/06/2004	01:00	SL	25,900 GT		UNI PELLETT	NANTICOKE	0	0	0	0	25,900
CUYAHOGA	01/08/2004	05:00	SL	14,000 GT		UNI PELLETT	NANTICOKE	0	0	0	0	14,000
MISSISSAGI	01/12/2004	00:01	SL	14,000 GT		UNI PELLETT	NANTICOKE	0	0	0	0	14,000
MICHIPICOTEN	01/16/2004	22:00	SL	20,500 GT		UNI PELLETT	NANTICOKE	0	0	0	0	20,500
				<u>147,900</u>				<u>0</u>	<u>0</u>	<u>630</u>	<u>22,152</u>	<u>126,574</u>

*to change shipper 1-3-04 to 1-16-04*

# SAFETY AND HEALTH PROTECTION ON THE JOB

The Minnesota Occupational Safety and Health Act of 1973 (Minnesota Statutes Chapter 182) provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the state. The Act provides coverage for all public sector employees, except federal, and all private sector employees except domestic and those under exclusive federal jurisdiction.

The Minnesota Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) has the sole responsibility of administering the Act. Minnesota OSHA adopts occupational safety and health standards and its Occupational Safety and Health Investigators conduct inspections to ensure compliance with the Act.

**EMPLOYERS:** Must furnish to their employees conditions and places of employment free from recognized hazards that are causing or are likely to cause death, serious injury or harm to the employees; and shall comply with the occupational safety and health standards issued by Minnesota OSHA.

**EMPLOYEES:** Must comply with all occupational safety and health standards, rules, regulations, and orders issued under the Act that apply to their own actions and conduct on the job.

**INSPECTION:** The Act requires that a representative of the employer and an authorized representative of the employees be given an opportunity to accompany the Occupational Safety and Health Investigator for the purpose of aiding the inspection. The authorized employee representative, by participating in the inspection, shall not lose any privilege or payment that would have otherwise been earned and shall be given the opportunity to participate in any conference or discussion held prior to or during any inspection. Where there is no authorized employee representative available, the investigator will consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**CITATION:** If, upon inspection, Minnesota OSHA believes an employer has violated the Act, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

In the event that an investigator finds a condition or practice in any place of employment which presents substantial probability of a fatality or serious physical harm, the investigator shall, after consultation with the commissioner, issue an order which prohibits such practices until corrected. The order shall remain in effect for a maximum of 72 hours.

**PENALTIES:** Under the Minnesota OSH Act, an employer may be issued a penalty of up to \$7,000 for each serious violation of the Act or occupational safety and health standards. An employer who willfully or repeatedly violates the Act or safety and health standards may be assessed penalties of up to \$70,000 for each violation. Failure to correct a violation by the abatement date set out in a citation may result in penalties of up to \$7,000 for each day the

commissioner determines that the employee, by performing the tasks, would have been placed in imminent danger of death or serious physical harm.

**PROHIBITED DISCRIMINATION:** Employees shall not be discharged or in any way discriminated against by any person for making a safety and health complaint to any person including their employer and Minnesota OSHA or for exercising on their own behalf or on the behalf of others, any other right they have under the Minnesota OSH Act. An employee who believes that he/she has been discriminated against for the exercise of their rights under the Minnesota OSH Act may file a complaint with Minnesota OSHA within 30 days of the alleged discrimination.

**PERSONAL PROTECTIVE EQUIPMENT:** Personal protective equipment, when required by the standards, must be provided to employees by, and at the cost of, the employer.

**TRAINING:** Training required by the standards must be made available to employees by, and at the cost of, the employer.

**REPORTING FATALITIES/CATASTROPHES:** Employers must report work-related incidents that result in the death of an employee or the in-patient hospitalization of three or more employees to Minnesota OSHA. Reports must be made within 8 hours to (877) 470-6742 or any Minnesota OSHA office. After normal business hours and on weekends and holidays, reports must be made within 8 hours to the Federal OSHA toll-free hotline (1-800-321-OSHA).

**CASPA:** (Complaint Against State Program Administration). If you wish to register a complaint concerning the administration of the Minnesota Occupational Safety and Health Act contact:

U. S. Department of Labor - OSHA  
230 South Dearborn Street  
Chicago, IL 60604  
(312) 353-2220

**VOLUNTARY COMPLIANCE:** Minnesota OSHA encourages employers and employees to reduce hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. Employers and employees may receive assistance in achieving voluntary compliance by