United States Senate
WASHINGTON, DC 20510

February 15, 2023

Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Administrator Michael S. Regan:

We write regarding the February 3, 2023, Norfolk Southern train derailment near the Ohio-Pennsylvania border in East Palestine, Ohio. We want to express our appreciation for the U.S. Environmental Protection Agency's (EPA) swift response and for the assistance the agency provided to state and local authorities, including the Ohio Environmental Protection Agency (OEPA), the Pennsylvania Department of Environmental Protection (PA DEP), fire fighters, and local police. We would also like to commend the speed in which the EPA and state agencies were able to set up community air and water quality monitoring in the surrounding area, as it provided critical data that helped ensure public health and safety in the immediate aftermath of the incident.

While we are grateful no injuries or fatalities resulted directly from the derailment, we are concerned about the release of hazardous materials into the air and groundwater across the region surrounding the derailment. Hundreds of families were forced to flee their homes and are now rightfully concerned about long-term health risks associated with exposure to the toxic chemicals released. No American family should be forced to face the horror of fleeing their homes because hazardous materials have spilled or caught fire in their community. We ask that EPA uses its existing authorities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to ensure that Norfolk Southern pays for the clean-up of these hazardous materials, as well as compensates residents and affected businesses as required. Additionally, we ask that EPA continue monitoring the land, air, and water in East Palestine, Darlington Township, and impacted communities until the long-term effects of the exposure are fully understood.

The Norfolk Southern train had 53 cars that derailed with at least 10 carrying hazardous material, including Vinyl Chloride, Ethylene Glycol Monobutyl Ether, 2-Ethyl Hexyl Acrylate, Isobutylene, and Butyl Acrylates. According to the EPA, acute exposure to high levels of vinyl chloride in the air can impact the central nervous system causing dizziness, drowsiness, and headaches. Chronic exposure to this chemical can cause liver damage, central nervous system effects and even a rare form of liver cancer[1].

The community is also concerned about the possible exposure to additional hazardous gases that may have been released when first responders were forced to vent and combust the railcars containing vinyl chloride to prevent a catastrophic explosion. Norfolk Southern has a

[1] https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/vinyl-chloride.pdf

responsibility to these first responders and the workers that put their lives on the line to keep the community safe by fighting fires, going door to door to evacuate residents, and working on getting the derailed train, hazardous material, and contaminated water and soil removed from the immediate area.

We appreciate the extensive air and water monitoring operations that have begun, but the impacted communities need further monitoring and assurance of safety of their homes, their water, and their soil. My office is aware of reports of lingering odors and animal deaths. Additionally, there are reports that chemicals from the derailment have been found in the Sulphur Run stream and other downstream waterways. Given the rural nature of this community, many residents rely on private drinking water wells that are not connected to a public water supply system, and therefore may need additional testing from EPA to ensure the safety of their drinking water sources. We are deeply concerned for the safety of the community in the impacted area.

In response to this incident, we ask that you provide clarifying answers to the following questions by Friday, February 24th.

1. Can you commit to us that EPA will use all available existing authorities to hold Norfolk Southern accountable for all remediation activities in the short- and long-term that will be necessary to restore the environment and protect public health of the surrounding region?

    a. Please provide a detailed explanation of the existing authorities the agency has to respond to environmental disasters, and what actions can be taken under those authorities.
    b. Please provide information on any long-term environmental impacts the agency has reason to believe may occur due to the train derailment and resulting release of several hazardous substances.

2. Please provide information on the air and water monitoring plans advanced by the state agencies and Norfolk Southern contractors in coordination with EPA's monitoring, and explain whether those plans are satisfactory under the agency's requirements?

3. Does EPA have the resources needed for its operations in East Palestine and the surrounding area and the resources necessary to provide continued assistances to OEPA and PA DEP?

4. Does the EPA have full access to monitoring data that OEPA, PA DEP, and Norfolk Southern are gathering, and does EPA have full confidence there is a coordinated plan to recognize and mitigate any issues identified through monitoring?

5. How long does the agency expect remediation of the immediate accident site to take and how long will monitoring occur to ensure that no contaminants are migrating off site?

6. Are there any additional actions that Norfolk Southern could take to mitigate the environmental harm and protect public health?

7. What is the short and long-term plan to monitor the first responders and workers that tirelessly worked night and day to protect the community?

The work of the EPA in this matter is tremendously important. Thank you for your attention to concerns of East Palestine, Darlington Township, and the surrounding communities. Please keep our offices informed as you continue to monitor and provide assistance to the region.

Sincerely,

Sherrod Brown
United States Senator

JD Vance
United States Senator

Robert P. Casey, Jr.
United States Senator

John Fetterman
United States Senator