

ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

February 27, 2023

Anne M. Vogel
Director
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Dear Director Vogel:

On February 3, 2023, a 150-car Norfolk Southern train – traveling from Illinois to Pennsylvania – was carrying “chemicals and combustible materials,” notably vinyl chloride, when it derailed in the Village of East Palestine, Ohio. This accident resulted in a fire and thick smoke in the area and touched off questions about Federal involvement, response coordination, and safety for the residents in the East Palestine and Western Pennsylvania region.

To help the Committee better understand what happened with this train derailment and its aftermath, please respond to the following information requests:

1. Please provide a timeline of all the events related to the train’s derailment in East Palestine, including releases of any chemical substances caused by the accident, response actions taken to address various hazards presented by the derailment, and testing of air, water, or soil for contamination related to derailment.
2. Please detail all the chemical substances that were being transported on the train and their quantities.
3. Please identify who is overseeing this response and detail the Ohio Environmental Protection Agency’s (Ohio EPA) work with Federal, state, and local officials, as well as any non-government entities.
4. Please detail all the parties – and jurisdiction of each party – that the Ohio EPA has been coordinating with in responding to the derailment, in containing any pollutants, or in testing or monitoring pollutants in the environment. If someone besides Ohio EPA made decisions in events mentioned in the timeline, please identify who were those entities and responsible individuals.
5. We understand that there was a “controlled burn” of some of the rail cars involved in the incident. Please provide any information that Ohio EPA has regarding

that “controlled burn,” including the reasons for that action, who made the decision to take that action, and any resulting environmental impacts from that “controlled burn,” such as airborne emissions.

6. Please detail the results of environmental testing in the area and any detections above threshold levels.

7. Regarding water and air testing at the site and in the area of the site:

a. Please confirm the existence of this testing being performed at the site and in the area, who is leading it, and the results.

b. Are private contractors performing this testing? If so, what companies, and who is being supervised their work?

8. Please state whether separate testing for potentially toxic residues attributable to this event is being performed on surfaces and soil in the area surrounding the chemical burn.

a. If yes, what types of tests are being used for this purpose?

b. What substances, if any, are being singled out for detection?

9. What efforts are being undertaken by Ohio EPA and other state agencies to help residents of the affected community understand the risks currently present to them, so they are comfortable making decisions about returning to their homes?

10. Please describe the specific legal authority Ohio EPA is using to respond to the issues involved with the derailment. If more than one legal authority is being employed, please state which authority is being used for which action.

11. We understand that the U.S. Environmental Protection Agency has already issued an order (to Norfolk Southern) establishing cleanup liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

a. Is Ohio EPA using authority, federally delegated or otherwise, under the Solid Waste Disposal Act or Safe Drinking Water Act to respond to the train derailment?

b. What other specific legal authorities is Ohio EPA using to address cleanup?

c. Currently, does Ohio intend to recommend designation of this site on the National Priorities List site?

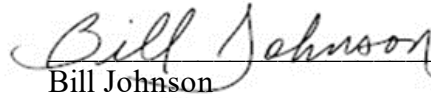
d. What plans does Ohio EPA have for short or long-term remediation of this site?

We request you provide us answers no later than March 13, 2023. If you have any questions, please do not hesitate to contact Mary Martin or Jerry Couri of the Majority Committee staff at (202) 225-3641.

Sincerely,



Cathy McMorris Rodgers
Chair
House Committee on Energy and
Commerce



Bill Johnson
Chairman
Subcommittee on Environment,
Manufacturing, and Critical Materials