

United States Senate

WASHINGTON, DC 20510

February 18, 2023

Ms. Anne Vogel
Director
Ohio Environmental Protection Agency
PO Box 1049
Columbus, OH 43216

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

Dear Director Vogel and Administrator Michael Regan:

We write regarding the February 3, 2023 Norfolk Southern train derailment near the Ohio-Pennsylvania border in East Palestine, Ohio and to inquire about the scope of monitoring in East Palestine and the surrounding communities. Specifically, we request additional information regarding the Ohio Environmental Protection Agency (OEPA)'s and the U.S. Environmental Protection Agency (EPA)'s plans to monitor East Palestine and the surrounding area for dioxins.

We appreciate the swift responses both of your agencies have executed in response to this crisis, and for the assistance to local authorities and residents. We also appreciate the extensive air monitoring U.S. EPA has undertaken related to vinyl chloride and several known by-products that are produced when vinyl chloride burns including phosgene and hydrogen chloride. However, following our visits to East Palestine this past week where we heard directly from members of the community, we remain concerned that it does not appear that the U.S. EPA, OEPA, or Norfolk Southern is testing for dioxins.

The combustion of vinyl chloride can lead to the formation of dioxins. Dioxins are a group of compounds that are persistent environmental pollutants known to bioaccumulate in animals and humans. According to the U.S. EPA, dioxins are highly toxic, can interfere with hormones, and can cause cancer, reproductive and developmental problems, or damage to the immune system.¹ We are concerned that the burning of large volumes of vinyl chloride may have resulted in the formation of dioxins that may have been dispersed throughout the East Palestine community and potentially a much larger area.

¹ <https://www.epa.gov/dioxin/learn-about-dioxin>

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

1. Has either the OEPA and/or U.S. EPA been monitoring the air for dioxins?
2. If not, please explain why the OEPA and/or U.S. EPA has not been monitoring for dioxins?
3. Is the OEPA or U.S. EPA aware of any other entity that may be monitoring for dioxins, including Norfolk Southern?
4. Are there additional resources or authorities that OEPA or U.S. EPA needs in order to undertake regular monitoring for dioxins in East Palestine and the surrounding community?
5. Does OEPA or U.S. EPA have a system set up for members of the community and other expert stakeholders to engage on the testing and monitoring regimen following the train derailment and subsequent activities in East Palestine to ensure a thorough, comprehensive response to monitor the area for potential pollutants? If not, will you commit to establishing appropriate protocol to ensure engagement?
6. If dioxins are detected in the region, what are OEPA's and U.S. EPA's respective protocols for communicating with the local community, addressing the potential contaminant(s), and protecting the local community from potential long-term exposure?

We urge OEPA and U.S. EPA to act immediately to coordinate and ensure regular testing and monitoring for dioxins remains a priority moving forward. This monitoring should not only be a part of a long-term strategy, it should be implemented immediately and communicated to the local community to ensure transparency.

If there's anything we can do to help ensure OEPA and U.S. EPA have the resources and support necessary to ensure thorough testing for dioxins, in addition to the other air, soil, and water sampling U.S. EPA is conducting, please do not hesitate to ask. We remain committed to supporting your work protecting the public health.

Thank you for your prompt attention to this critical matter.

Sincerely,



Sherrod Brown
United States Senator



JD Vance
United States Senator