

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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March 23, 2023

The Honorable Michael S. Regan
Administrator
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Administrator Michael Regan:

Given the conflicting reports in the aftermath of the chemical burn-off following the train derailment in East Palestine, Ohio, the Environmental Protection Agency's (EPA) actions conducting the environmental cleanup have raised concern. While the EPA has reported that the area was safe for return and the water was not contaminated, many residents have reported evidence of chemical residue in the environment and experiences of negative health conditions. This has left many confused and skeptical of the effectiveness of state and federal agencies at the scene. We expect the EPA to prioritize protecting the residents of East Palestine and ensuring a clean environment for the future. Effective and efficient policies and procedures for hazardous material cleanup and sample collection and testing are vital to ensuring both priorities. The EPA needs to be open and transparent with the American people. Therefore, we write to gain better insight into the processes and procedures that the EPA has taken during the cleanup and to better anticipate the impacts this derailment will have on the environment going forward. We encourage the EPA to preserve samples at the highest standards for future research as well as anticipated litigation.

On February 3, 2023, a train derailed in East Palestine, Ohio, on a Norfolk Southern rail line. Eleven of the approximately thirty-eight derailed cars contained the hazardous material vinyl chloride.¹ Due to a fire caused by the derailment, the tank cars containing this hazardous material began to increase in pressure and the vinyl chloride was subsequently released to prevent an imminent explosion.² This chemical release launched a broad scale environmental cleanup, beginning with a burn-off of the chemical. On February 21, 2023, the EPA announced its intention to take over the cleanup effort from Norfolk Southern.³ Less than two weeks after the derailment

¹ National Transportation Safety Board, "NTSB Issues Investigative Update on Ohio Train Derailment," press release, February 14, 2023, <https://www.nts.gov/news/press-releases/Pages/NR20230214.aspx>

² *Id.*

³ Joe Hernandez, *The EPA Steps in to Take Over the East Palestine Train Derailment Cleanup*, NPR, February 21, 2023, <https://www.npr.org/2023/02/21/1158532207/epa-east-palestine-train-derailment>

and initial determinations, the EPA allowed residents to return to the area.⁴ Since that time, residents have reported that they have experienced health effects and are witnessing lingering environmental changes such as the constant smell of new paint and chemical residue in the creeks.⁵

In a press briefing on Tuesday, February 21, 2023, the EPA stated that the emergency response at the site of the derailment had transitioned into an environmental cleanup.⁶ Having been at the scene since February 3, many residents knew of EPA reports regarding their use of robust-air quality testing with the Airborne Spectral Photometric Environmental Collection (ASPECT) plane and mobile analytical laboratory.⁷ It was further announced that EPA assisted with indoor air monitoring of more than 593 homes of residents as of March 3, 2023, and no detections of vinyl chloride or hydrogen chloride were identified above levels of concern.⁸ Reports regarding water quality tests for various organic compounds by Ohio EPA, ORSANCO, and Norfolk Southern were also conducted. The surface water locations selected were based on site observations and how water flows to the nearby creeks.⁹ Again, no levels of concern were reported. The Ohio EPA and the Columbiana County Health District have also independently collected their own samples of water and reported their findings were consistent with the testing conducted by the EPA contractors.¹⁰

The EPA's early reports have done little to assuage public concerns, as residents have received conflicting information regarding their safety. They have been told that their environment is safe, while also being instructed to consume only bottled water sources.¹¹ The EPA is now reporting that while the water supply in East Palestine is not contaminated, the water in nearby Sulfur Run is grossly contaminated.¹² Sulfur Run is connected to several other creeks in the area that all empty into the Ohio River. As a response, a containment area has been established to isolate any contaminated water.¹³ Despite these efforts and continued testing by the EPA, residents report a consistent pungent odor as well as concerning symptoms for both the area's residents and their livestock.¹⁴ Burning sensations in the mouth, lips, and tongue as well as tongue swelling, runny nose, and watery eyes have been among the symptoms reported.¹⁵

⁴ Julia Bingel, Michelle Nicks, *EPA: East Palestine Residents Cleared to Return Home*, 19 News, February 16, 2023, <https://www.cleveland19.com/2023/02/09/epa-east-palestine-residents-cleared-return-home/>

⁵ Associated Press, *'Trust the Government': EPA seeks to Reassure Ohio Residents Near Toxic Spill*, US News, February 16, 2023, <https://www.theguardian.com/us-news/2023/feb/16/east-palestine-ohio-derailment-toxic-chemicals-epa-meeting>

⁶ *Supra*, note 3.

⁷ U.S. Environmental Protection Agency (EPA), *East Palestine, Ohio Train Derailment Emergency Response*, resource page, March 8, 2023, <https://www.epa.gov/oh/east-palestine-ohio-train-derailment-emergency-response>

⁸ U.S. EPA, *Previous Daily Updates: East Palestine, Ohio Train Derailment Emergency Response*, news, March 6, 2023, <https://www.epa.gov/oh/previous-daily-updates-east-palestine-ohio-train-derailment-emergency-response>

⁹ *Supra*, note 7.

¹⁰ Ohio Environmental Protection Agency, *East Palestine Public Drinking Water Testing Results*, East Palestine Train Derailment Information, March 9, 2023, <https://epa.ohio.gov/monitor-pollution/pollution-issues/east-palestine>

¹¹ Chloe Mayer, *East Palestine Residents Report Health Problems After Ohio Train Derailment*, Newsweek, February 14, 2023, <https://www.newsweek.com/east-palestine-ohio-train-derailment-chemicals-health-animals-1781079>

¹² Ohio Environmental Protection Agency, *Surface Water Sampling*, East Palestine Train Derailment Information, March 9, 2023, <https://epa.ohio.gov/monitor-pollution/pollution-issues/east-palestine>

¹³ *Id.*

¹⁴ Scott Dance, Justine McDaniel, Brady Dennis, *'We will get to the bottom of this,' EPA tells residents near Ohio derailment site*, Washington Post, February 16, 2023, <https://www.washingtonpost.com/climate-environment/2023/02/16/ohio-train-derailment-response-toxic-contamination/>

¹⁵ *Id.*

The contradictions between EPA's reporting and residents' health effects have created a general distrust among residents regarding the information being presented by the state, local, and federal entities, as well as the railroads.¹⁶ The consistent changes in contamination data reports for water quality in the area surrounding the crash raises questions and concerns regarding process and testing quality. To ensure that scientific standards continue to be met, we ask that you provide responses to the following questions by April 6, 2023.

1. How were sample sites selected?
2. Who from each the EPA, state, and local levels was involved in the process of site selection?
3. What EPA programs, state offices, research institutions, organizations, or private companies are involved in sampling?
 - a) What are the specific roles of each group?
 - b) Is third party or additional result verification being conducted?
4. What standards is the EPA utilizing for both the collection and storage of these materials?
 - a) Where are the samples being stored for long-term studies?
 - b) What are the EPA's plans regarding long-term studies?
 - c) Do any of these planned studies include long-term health studies of residents?
5. What air monitoring and sampling; water sampling; and soil and sediment sampling methods & technologies are being used?
 - a) Specifically, what data is being collected and how is it being used?
 - b) What internal metrics is the EPA utilizing in order to determine when this information should be made available to the press and the public?
 - c) What entity or entities are involved in making the above determination?

¹⁶ Taylor Wizner, Stephanie Czekalinski, *'Believe Nothing you hear.'* *Distrust Reigns Among East Palestine Residents*, 90.5 WESA: Environment & Energy, March 4, 2023, <https://www.wesa.fm/environment-energy/2023-03-04/believe-nothing-you-hear-distrust-reigns-among-east-palestine-residents>

6. What capabilities and data are being provided by EPA's ASPECT plane and mobile analytical laboratory?
7. What scientific methods and standards did EPA utilize in did its determination to lift the evacuation order and allow residents to return to the city? Who was involved in making that decision?
8. How has this incident been similar and different from previous hazardous material train derailments?
9. Has EPA implemented the same processes for cleanup in this instance as they have in the past? If not, how have procedures changed?
10. How does EPA expect this incident to affect this area long term?
11. How have relationships and coordination with the EPA and state and local entities evolved during this process?

We look forward to hearing your responses to these questions. We are interested in understanding the processes at EPA for such an incident of this scale and want to ensure safe and effective procedures are in place to protect the environment for the future. If you have any questions, please contact Daniel Dziadon or Victoria Lombardo of the Committee's Majority staff at (202) 225-6371. Thank you for your time and consideration regarding this important matter.

Sincerely,



Frank Lucas
Chairman
House Committee on Space, Science, and
Technology



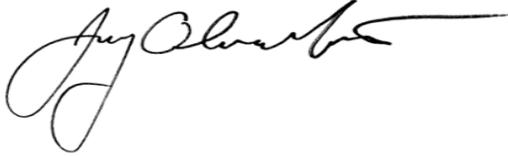
Zoe Lofgren
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