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Committee on Environment
and Public Works

Washington, D.C.

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PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT IN THE WAKE OF THE
NORFOLK SOUTHERN TRAIN DERAILMENT AND CHEMICAL RELEASE IN EAST
PALESTINE, OHIO

Thursday, March 9, 2023

United States Senate

Committee on Environment and Public Works

The committee, met, pursuant to notice, at 10:04 a.m. in
room 406, Dirksen Senate Office Building, the Honorable Thomas
R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Sanders,
Whitehouse, Merkley, Markey, Stabenow, Kelly, Padilla, Boozman,
Sullivan, Graham, Mullin, Ricketts.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Well, good morning, everyone. Thank you all for joining us today for this important hearing. Ranking Member Capito and I thank all of our witnesses for joining us today as well, including our witnesses and colleagues from Ohio and Pennsylvania. We look forward to the testimony of each one of you.

As we know, last month, news broke out about an environmental disaster caused by a Norfolk Southern train derailment near East Palestine, Ohio, less than a mile from the Pennsylvania border. We are here today to discuss that train derailment and subsequent hazardous chemical release, which led to a controlled burn of dangerous chemicals and the mandatory evacuation of some 2,000 people. This tragic incident is a reminder of the importance of following the Golden Rule and treating other people the way we would like to be treated if we were in their shoes.

Today's hearing is an opportunity to put ourselves in the shoes of those impacted by this disaster, examine the immediate response, and ensure long-term accountability for the cleanup efforts. It is our responsibility in Congress to answer one, what went wrong, two, what do we need to do to fix it, and what do we need to do to make sure it never happens again.

Every so often, an environmental disaster in our Country underscores our responsibility to protect public health and our environment. In 1969, I recall seeing news coverage of a train spark that ignited the polluted Cuyahoga River near Cleveland, Ohio, just north of Ohio State, where I was a Navy ROTC midshipman a year earlier.

As our Nation watched a river engulfed in flames, it served as a wake-up call to better protect communities from hazardous substances and to take responsibility for cleaning up environmental disasters. This movement helped lead to the creation of the Environmental Protection Agency, which had broad bipartisan support.

My hope is that in the aftermath of the disaster in East Palestine, we can come together once again to identify solutions that will protect communities, improve safety, and restore trust.

We must work together with our colleagues on other relevant House and Senate committees to strengthen our Nation's rail safety regulations, ensure compliance with them and prevent future incidents like this one from happening again.

We also need to make sure that the impacted communities receive the resources and the support that they need. Our existing laws have allowed EPA to identify Norfolk Southern as a responsible party and begin to hold the corporation responsible

for the costs of the emergency response, as well as for the long-term remediation of this area. We want to hear from our witnesses today whether Norfolk Southern is meeting its obligations, including its moral obligations.

In addition, we should note that responding to this disaster is a shared responsibility between different levels of government and Norfolk Southern. It is imperative for us to ensure that the agencies tasked with responding to disasters like this have the necessary resources that they need to ensure the safety of the air that people breathe, the water they drink, and the soil they use on which to grow crops.

It is worth noting that the Biden Administration has been on the ground from day one. As we will hear today, the EPA, working alongside State and local partners, arrived in East Palestine within hours after the derailment and has maintained a presence ever since. In fact, Administrator Regan has visited the area, I am told, some three times already and expects to go back for more.

In the wake of the chemical release, these government entities have worked tirelessly to install air and groundwater monitoring systems, as well as sample the water and the air for toxics and oversee the removal on contaminated soil.

Norfolk Southern appears to have cooperated with these orders and has agreed to pay for the environmental cleanup

resulting from the derailment. However, the ultimate costs may exceed the immediate cleanup needs. Moreover, an apparent lack of transparency on the part of Norfolk Southern, at least in the early days of the response, has left some members of the community battling with mistrust and looking for answers.

We are told that the company's failure to communicate directly includes information given to some first responders, who were under the impressions that only one car would be vented and burned, rather than five. This miscommunication left first responders scrambling to ensure the public safety requirements of a much, much larger plume.

We have also heard from some residents who were told it was safe to return to their homes, but are still experiencing ongoing health problems. Other concerns remain, such as loss of property values and the long-term impacts on our most vulnerable citizens, including children and the elderly.

As I said earlier, today presents us with the opportunity to learn from this experience, address misinformation, and gain a better understanding of the long-term plan to protect public health and address the environmental impacts of this disaster.

Just as we witnessed an earlier environmental disaster in Ohio 54 years ago that I have alluded to, a new generation of Americans is now waiting to see how their government responds today and in the days to come. This incident may well prove to

be a defining moment in their lives as it was in my own.

Let's do what is right, not only for the people of East Palestine, but for everyone who believes that those who transport potentially dangerous chemicals must take the necessary steps to protect our people and our one and only planet.

With that, let me turn over the rest of the opening statements here to my Ranking Member and my partner in so many ways, Senator Capito.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you. Thank you, Mr. Chairman.
Thank all of you for being here today. I am really pleased that
we have the hearing and we have our fellow Senators here with us
as well.

As you said, we are going to discuss the ongoing
environmental response to a large-scale chemical spill resulting
from a Norfolk-Southern train derailment in East Palestine,
Ohio, which is 14 miles north of the West Virginia border.

Before we go any further, I would like to take this
opportunity to thank the emergency responders who were on the
scene less than an hour after the incident was reported and are
continuing today to work diligently on our cleanup efforts.
Thank you all so much. These kinds of accidents are some of the
toughest days for them because these men and women, these are
their neighbors, in some cases, their relatives, and certainly
their hometown friends.

It weighs on all of us here. This catastrophe upended the
lives of thousands of our constituents in States represented
today. The residents of East Palestine and other impacted
communities, including those in West Virginia, deserve the
chance to hear publicly from those involved in and affected by
the cleanup efforts. They need to know what progress has been

made, the challenges that lay ahead, and what lessons can be learned to improve future responses.

From day one, responders across all levels of government, as well as the private sector, have worked around the clock on monitoring and mitigation to keep the public and environment safe. I appreciate EPA and other relevant organizations for providing regular updates to Congress on the status of the response. However, I want to convey to all of you that the public deserved a better level of transparency and much, much sooner.

A month after the accident, it is clear to me that EPA's risk communication strategy fell short. In the immediate aftermath of the incident, impacted communities were clamoring for answers. While we are well aware that monitoring efforts and response planning need to be sound, we need to understand why it took so long for the EPA to get accurate data to the public.

This is especially true when organizations like the Ohio EPA and the Ohio River Valley Sanitation Commission, better known as ORSANCO, both represented on our panel today, managed to provide data and safety information to the public quicker. They were distributing EPA data faster than the agency itself was willing to, not only with the public, but also during briefings and conversations with the affected Congressional

offices.

In the absence of adequate transparency to the public, that just opens up a gap for social media, armchair citizen scientists, and political pundits on both sides to fuel false narratives that have further undermined that public confidence in the response to the derailment.

With each week passing, the confusion seemed to grow. Even after weeks of repeated air, soil, and water monitoring have shown levels of the implicated contaminants of magnitude well below the ATSDR and EPA levels of concern in the air and water, the initial delays in messaging and response has meant that the residents still do not trust these results enough to feel safe, and trust is essential in these situations.

That has been made worse, I think, by a lot of the misinformation that we have seen. You can't address fear and mistrust by pointing residents to an EPA website filled with fact sheets and press releases. Risk communication needs to be done in a clear but compassionate, relatable manner right down there where it is happening.

So, why did it take weeks for the EPA Administrator to drink the water he repeatedly told residents was safe? Why did it take almost a month to establish a response center and go door-to-door to address East Palestine families' concerns?

As a result of early missteps, I believe that we need to

keep moving forward here. This committee must get to the bottom of whether EPA has some of the authorities for some of the actions that it has taken on the removal and whether they are serving the best interests of our constituents.

How will EPA approving every shovelful of dirt that is moved benefit safety or expedite the process? These are the questions I am going to have. How and why is EPA prohibiting contaminated soil and water from leaving the State of Ohio into qualified destruction facilities, how is that going to improve outcomes?

I am concerned that at least one of the Ohio facilities EPA is now activating for this purpose has a history of Clean Air Act violations and may not be able to sufficiently destroy contaminated soils in a way that ensures communities may not be further impacted by emissions resulting from incomplete incineration.

The EPA has been slow to respond to some of our office's inquiries on the use of PFAS-based firefighting foams in combating the fire, nor explaining how residues from those foams may be responsible for some of the purported pollution that has made the rounds.

The EPA could have also made abundantly clear that Norfolk Southern would be completely liable and that no expense would be spared in the cleanup efforts. That is required by the law.

Instead, it took weeks for the average American not well-versed in the nuances of CERCLA, which is the act that covers this, to receive that assurance.

Mr. Shaw from Norfolk Southern will be on our panel, and I look forward to hearing from you on what Norfolk Southern is doing to make things right. But as you know and as you have stated in your statement, your company will pay for the harm that it has caused, and is paying. It will pay for the initial cleanup and likely pay again when the lawsuits from the myriad harms caused begin to come in, though how much will be a matter for the courts.

Culpability in this incident and the liabilities that will result are clearly defined in the statute known as CERCLA, and the liabilities for Norfolk Southern under CERCLA are among the broadest and strictest in any Federal law.

Before Congress considers any changes to existing laws, we must better understand what has gone wrong with this response to far and what can be done better in the future, but also what went right. So, to the residents of East Palestine and surrounding communities, your Congress hears you. Every American deserves to feel safe in their home and confident that the water that they drink and the air that they breathe is safe.

When something like this happens, God forbid, they should also be able to trust that the Federal Government will be quick,

deliberate, transparent, and clear in their response, and that guilty parties will be held responsible.

I believe the environmental laws on the book are up to the task. So what has gone wrong, what has gone right? That is what we are here to talk about today.

Thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you, very much.

Let me now recognize Senator Jeff Merkley. Jeff is the chairman of the Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight. We will recognize him for his statement.

Jeff, you are recognized.

STATEMENT OF THE HONORABLE JEFF MERKLEY, A UNITED STATES SENATOR
FROM THE STATE OF OREGON

Senator Merkley. Thank you very much, Chairman Carper and Ranking Member Capito for today's hearing.

As Chair of the Chemical Safety Subcommittee, it is absolutely critical we examine the impacts to public health and well-being of the people of East Palestine following this disastrous derailment of a Norfolk Southern freight train that was carrying tons of toxic and hazardous materials, and certainly the impact coming from the plumes of smoke that burned for over two days.

This tragedy demands accountability, because future derailments will happen. Unless we learn the lessons of this incident, there will undoubtedly be more derailments, derailments with devastating impacts on additional communities.

For years, my office has been hearing from Oregonians who are terrified about the risks of trains rolling down the tracks in the middle of their towns full of toxic chemicals. They remember when a Union Pacific train derailed in Mosier, Oregon, in June 2016, spilling some 42,000 gallons of crude oil in front of a school. A massive fire, damage to the water and sewer systems, and the debris made their way into the Columbia River. And they remember the billowing tower of toxic black smoke that could be seen for miles and miles up and down the Columbia

Gorge, in an area blanketed in toxic ash.

At that time, Senator Wyden and I pushed for huge improvements in track maintenance, improvements in the brakes, improvements in the tank cars, improvements in the repositioning of supplies to respond to disasters, and improvements in communications. But the progress was very limited.

Since 2015, there have been 100 derailments of trains carrying hazardous materials, one per month. In this coming year, there will probably be another 12 at this pace. As of 2017, around a million tons of hazardous materials is transported by rail every day, and that was the last year the numbers were released. I suspect they are even higher today, because we have growing supplies of toxic chemicals, particularly related to the plastics industry.

We know the danger posed by these chemicals. We know that when they are going down the rails there is the possibility of a disaster. But there is so much that can be done to limit the odds of disasters happening. That is our responsibility.

We need to recognize that when a derailment occurs and toxic chemicals like vinyl chloride are leaked, people are aware that these chemicals cause lymphoma and leukemia and cancers. So, they are absolutely, legitimately, extremely concerned, and residents of East Palestine are complaining about all sorts of

health issues.

Let's have this hearing today be an opportunity for us to examine not just the response, but how to prevent these derailments in the future, and the types of investments that are required so that future communities are not terrorized by these derailments that are happening at a pace of once per month.

Thank you very much, Mr. Chairman, Ranking Member Capito, for the opportunity to share those comments.

[The prepared statement of Senator Merkley follows:]

Senator Carper. Senator Merkley, thank you so much.

Now, I am going to recognize Senator Mullin, the Subcommittee Ranking Member for his statement. Senator Mullin, you may begin.

STATEMENT OF THE HONORABLE MARKWAYNE MULLIN, A UNITED STATES
SENATOR FROM THE STATE OF OKLAHOMA

Senator Mullin. Thank you, Mr. Chairman. I want to start off by thanking everyone, including our five panelists, and Senator Brown, Senator Vance, and Senator Casey for attending this hearing.

The people of East Palestine have shown perseverance and bravery during a time that, understandably, they are very anxious and upset about. In the aftermath of the derailment, the decision was made to burn hazardous chemicals leaking from railcars out of fear of explosion. Since then, residents have reported headaches, coughing, fatigue, irritation, pain, and burning sensations on their skin. The people of East Palestine now fear for their health, despite the EPA claiming that everything is okay.

The public's trust in the government is near record lows. Only 20 percent say that they trust the government to do the right thing. After the last three years, there is no wonder that the residents are calling into question about the response and advice the government bureaucrats are giving. The mixed messaging from the Administration in the days and weeks after the tragedy has only added fuel to the fire. Actions have consequences.

Both the Secretary of Transportation and the Administrator

of the EPA delayed their visit to East Palestine and says that when they got there, hey, it wasn't our problem. It was the previous Administration and their deregulation that caused this. It is time for everyone to take responsibility.

In contrast, I applaud the timely on-ground response efforts from the local residents and the first responders. The people of Ohio have truly come together to help neighbors in a time of need. In Oklahoma, we call that the Oklahoma standard.

Moving forward, today's hearing allows us and allows witnesses to provide much-needed clarity and assurance to the public. We need to know how to prevent tragedies like this from happening again. We need to know what caused it.

There are serious questions that need to be addressed, such as the States that toxic waste is being shipped to, how long the chemicals are sitting in the cars, if the bearings were appropriately re-inspected, why where all five cars burned instead of just the one, why the Administration and Norfolk failed to provide accurate and timely information to local authorities, and finally, what are we going to do about the town moving forward?

The residents, understandably, do not feel safe, and we need a plan to put their lives back together. I expect our witnesses to transparently discuss these issues so we can prevent accidents like this from occurring in the future.

Leaders take responsibility. They don't point fingers and dodge responsibilities. The people of East Palestine need to see the Administration and Norfolk take responsibility and show results.

I yield back.

[The prepared statement of Senator Mullin follows:]

Senator Carper. Thanks very much for that comment.

Before we turn to our colleagues who have joined us for today, I want to just ask unanimous consent, if I could, to submit for the record a statement on behalf of our EPW colleague Senator John Fetterman of Pennsylvania, who cannot be with us here today.

For my colleagues, I would just like to quote a couple of lines from Senator Fetterman's testimony. Here is what he says: "I am working with my colleagues across both State and party lines to fight for the forgotten people of Pennsylvania and Ohio, hold Norfolk Southern responsible for the damage that they have caused, and prevent similar disasters from happening in the future. I would specifically like to thank my colleagues from Ohio, Senator Sherrod Brown and Senator J.D. Vance for being great partners with Senator Bob Casey and myself throughout this process."

Senator Fetterman later states in his testimony, "my hope is that we answer this disaster caused by egregious negligence from Norfolk Southern with real policy solutions that will hold Norfolk Southern and other similar companies accountable while making American families safer in the future. I believe that the legislation introduced last week is a great step, and I look forward to getting some answers today to continue to work with my colleagues to get Pennsylvanians and Ohioans alike the

resources that they need." That is his statement. We thank him for it.

[The prepared statement of Senator Fetterman follows:]

Senator Carper. We now turn to our colleagues who have joined us here today. First, I want to recognize Senator Bob Casey. Senator Casey from Pennsylvania, you are welcome to proceed when you are ready. Please proceed.

STATEMENT OF THE HONORABLE BOB CASEY, A UNITED STATES SENATOR
FROM THE STATE OF PENNSYLVANIA

Senator Casey. Thank you, Chairman Carper, Ranking Member Capito, and members of the committee for holding today's hearing. I am grateful to provide some testimony.

I am also grateful that I am running ahead of both of my colleagues, Senator Brown and Senator Vance, because of my chairmanship of the Aging Committee, which is starting a hearing rather soon, so I appreciate their indulgence.

I do want to thank both Senator Brown and Senator Vance and Senator Fetterman for working with us and others on this. Representative Deluzio of Pennsylvania as well, has worked on this in the House, I know, with others.

I wanted to start from the Pennsylvania side of this, Darlington Township, Pennsylvania in Beaver County, right on the Ohio border. As many of you know, the derailment occurred just literally feet away from the Pennsylvania border. I know you will hear today from Eric Brewer, who is the Director of Emergency Services and Chief of Hazardous Materials Response from Beaver County, and I am grateful for his testimony.

I will just quote maybe three people. That is all I will do in the interest of brevity. The first is Police Officer Dan Frederick, about his experiences on the ground that night. I am quoting him. "As a first responder, particularly as a police

officer, we all know and understand the risks that come with our line of work. However, we usually know, or have an idea of, when something or someone can kill us. When I left my two boys and wife to respond to the hot zone, I was expecting to be informed of exactly what was on that train and the potential health hazards. To say I was scared the night of the derailment is an understatement."

I have also heard from residents about their fear of long-term health impacts and the safety of their families and communities moving forward. Jenny Santana of Darlington Township said, "I want to know it is safe to stay here. All of these people deserve honest answers, and nobody is getting them. If it were your children's lives in questions, how far away would be safe? Please hold them accountable and make them help us."

Farmers in the region, I have heard and I know my colleagues have heard the same, are concerned as well. They want help from the Department of Agriculture. They want certainty that their crops and their livestock are safe and free from contamination and that the food supply and their livelihoods are safe.

Farmer and Darlington Township Chair Mike Carreon, said "We, along with countless other local agricultural producers, have years invested in telling our stories and developing

relationships with our customers. The story of working in harmony with nature to produce a superior product, this story was ripped to pieces on the day of the derailment. It is now our responsibility to do damage control for Norfolk Southern's negligence while absorbing revenue loss of canceled orders. The economics of our industry is very emotionally driven. Emotions are now being driven by perception and lack of information. We need testing. We need factual information. We needed this yesterday, and we are still not seeing that response."

These residents are scared, particularly about the potential exposure that could lead to health impacts for themselves and their families for years. We do have a response, at least, for the future. We have a lot of work to do in the near-term, but the future has to be about passing the Railway Safety Act that Senator Brown, Senator Vance, Senator Fetterman and I and others are leading. It is bipartisan. That never happens around here on big bills, or rarely, I should say.

It would be a good start by Norfolk Southern to tell us today in addition to what they are going to do for the people of Ohio and Pennsylvania, tell us today that they support the bill. That would help, if a major rail company said, we support these reforms and will help you pass this bill. That is what I think the people of both States deserve.

Mr. Chairman, thank you for this time. I am grateful to be

first in line. Thanks very much.

[The prepared statement of Senator Casey follows:]

Senator Carper. Thank you very, very much, Senator Casey.

Next, we are going to hear from Senator Sherrod Brown from Ohio. Senator Brown?

STATEMENT OF THE HONORABLE SHERROD BROWN, A UNITED STATES
SENATOR FROM THE STATE OF OHIO

Senator Brown. Mr. Chairman, thank you and Ranking Member Capito, thank you and Senator Merkley and Senator Mullin, thank you all for your thoughtful reflections and comments.

I want to recognize Ohioans this morning: Anne Vogel with the Ohio EPA, who has been onsite many times, including, I believe, every time I have been there, and the residents of East Palestine who made the trip, the mothers who talked about what this means to their family. They represent Ohioans in this tightknit town in Columbiana County, which once made 80 percent of the ceramics in this Country, tableware. They produced 80 percent for the whole Country in this community. They have seen their jobs move overseas, where companies pay workers less. That has been the story of far too many places in our States.

It is the kind of community that is so often forgotten or exploited by corporate America. Now, these Ohioans are worried about whether their water is safe to drink, the air is safe to breathe, whether their kids will get sick, whether their crops are contaminated, whether they will still be able to do business and attract investment to the community.

Like Senator Vance, in my visits to East Palestine, I have talked with residents, Mayor Conaway, Fire Chief Drabick, business owners, parents. I have heard their fears for what

this means for their town and fears for the future.

All because a big corporation, Norfolk Southern, chose to invest much of its massive profits in making its executives and shareholders wealthy at the expense of Ohio communities along its rail tracks, like East Palestine, Steubenville, Sandusky, and just a week ago, Springfield.

The company followed the Wall Street business model: boost profits by cutting costs at all costs, the consequences for places like East Palestine be damned. In 10 years, Norfolk Southern eliminated 38 percent of its workforce. Think of that, in a decade, they cut more than a third of their jobs. We have seen what the company did with their massive profits.

Norfolk Southern spent \$3.4 billion on stock buybacks last year and are planning to do even more this year. That is money that could have gone to hiring inspectors, to putting more hotbox detectors along its rail lines, having more workers available to repair cars and repair tracks.

Norfolk Southern's profits have gone up and up and up, and look what happened. The NTSB is conducting a special investigation into Norfolk Southern and its culture, investigating five significant accidents since December of 2021, including three accidents that resulted in the death of a Norfolk Southern employee.

If Norfolk Southern had paid a little more attention to

safety and a little less attention to its profits, had cared a little more about the Ohioans along its tracks and a little less about its executives and shareholders, these accidents would not have been as bad or maybe not happened at all.

Just this week in Cleveland, a Norfolk Southern conductor and BLET union member was killed on the job. Louis Shuster was the proud father of a 16-year-old son.

It is Norfolk Southern's responsibility to keep its workers safe on the job, but this company has failed to do its job, over and over and over.

When I talk with Ohioans about what they want to see from this company in response to the disaster in East Palestine, I hear two things. First, Norfolk Southern must pay the money for every cent of the cleanup, as you have all said. Every water test, every hotel room, every bottle of water, every hospital bill if an Ohioan comes down sick because of the contaminants next week, next year, for the next several years. We know this company can afford it.

My colleague, Senator Vance, and I and our Ohio delegation, members of both parties, have come together to make these demands of Norfolk Southern. Today, Ohioans expect to hear a firm commitment from this company's CEO that it will pay whatever it costs for as long as it takes to make this community whole.

Second, Ohioans want assurances, as I think you all do, that this will not happen again. They have every right to be scared. On Saturday evening, just a month after the company's disaster in East Palestine, another Norfolk Southern train derailed in Springfield, Ohio. This time, the cars that derailed weren't carrying hazardous chemicals, but other cars on that 200-plus car train were. The only thing that saved Ohioans from another disaster was luck, but we need more than that.

This is why Senator Vance and I have come together to introduce our bipartisan Railway Safety Act to make trains safer as they go through community after community. It shouldn't take a train derailment for elected officials to put partisanship aside and work together for the people whom we serve, not corporations like Norfolk Southern. Lobbyists for the rail companies have spent years fighting every effort to strengthen rules to make our trains and our rail lines safer. Now Ohioans are paying the price.

If this company is serious in its commitment to preventing more East Palestines in Ohio and across the Country, I hope today that Mr. Shaw, as Senator Casey said so emphatically, I hope today Mr. Shaw will endorse our commonsense, bipartisan plan.

Senator Vance and I come from different parties, different philosophies, but on this, we have come together for the people

of our State. I appreciate his work on this. The response to this crisis has been far too partisan. As Senator Mullin said, today is an opportunity to change that.

Senator Vance and I are listening to the same Ohioans in this community, we both made numerous trips there, people who feel like they have no way to stand up to a company like Norfolk Southern and are worried about what will happen when the cameras pack up and leave that Columbiana County community.

These communities have been abandoned too many times before. My job, our job, is to hear their voice and to demand corporate accountability to bring this town back to the vibrant community we know that it can be again.

Thank you, Mr. Chair.

[The prepared statement of Senator Brown follows:]

Senator Carper. Thank you, Senator Brown.

Lastly, we want to recognize Senator J.D. Vance. Senator Vance, you may begin. Thank you.

STATEMENT OF THE HONORABLE JAMES DAVID VANCE, A UNITED STATES
SENATOR FROM THE STATE OF OHIO

Senator Vance. Great, thank you.

I want to start by acknowledging the people of East Palestine and at the Ohio EPA, who has done a great job on this tragedy and just say that I think that our leadership, our media, and our politicians were slow to respond to this crisis in part because a certain segment of our leadership feels like the people of East Palestine are a little out of style. They have the wrong politics, they are a little too rural, maybe a little too white.

I want to thank Senator Capito and Senator Carper, the Chairman and Ranking Member, and all of you for paying attention to this, for caring about this issue, and for showing leadership on it. I think the most important message to the people of East Palestine is that we will not forget about them in the months and the years to come. I think this committee hearing reinforces that message. So it is very personally meaningful for me to be here.

I want to also talk about something that hasn't gotten enough attention, but I think is an important part of what is going on on the ground right now in East Palestine, which is the cleanup of the toxic chemicals that are in the ground, and they are still in the ground.

Two weeks ago, I would have told you, and I said very publicly that I was frustrated with Norfolk Southern from Alan Shaw on down for the refusal to dig up the railroad tracks and dig out the toxic chemicals, which is their responsibility to do. I am happy to report that it appears that Norfolk Southern has finally started to do the cleanup in earnest, but now the EPA is making it harder to get the materials out of Ohio in the first place into properly licensed facilities.

Right now, as we speak, there are piles of dirt accumulating in East Palestine, piles of dirt filled with toxic chemicals that haven't been moved out of the State in a week. What happens if it rains? What happens if the very toxic dirt that we just dug out of the ground begins to seep back into the ground, causing problems for the air and water for the residents of East Palestine?

We need leadership. We need the EPA to get on the ground and aggressively get this stuff out of East Palestine into properly licensed facilities. It is maybe the most important and most pressing thing that is confronting the community of East Palestine today. Again, I thank Anne for her leadership on that particular issue.

After the cleanup, we are focused on the cleanup now, justifiably so, but after the cleanup, we need to turn to how to prevent this from happening, or at least how to make it less

likely. I am a realist. I recognize that you are always going to have accidents, but I think that we can make them less likely, and I think, importantly, we can give our first responders proper notice when they are responding to these derailments when they happen. It is ridiculous that fire fighters and local officials don't know that hazardous chemicals are in their community, coming through their community.

In East Palestine, you had a community of largely volunteer fire fighters responding to a terrible crisis, toxic, burning chemicals, without knowing what was on them. It is one of the things in that legislation that Senator Brown, Senator Casey, and Senator Fetterman and I have worked on together, and I thank them for their work on that issue.

I want to leave the committee with just a couple of additional thoughts here. I am a Republican. I am a pretty conservative Republican, and I worry that there has been a movement in my party and in my movement in response to the legislation that I proposed that would not hold Norfolk Southern or the rail industry accountable. I want to be explicit about that.

I am not talking about returning, and this bill is not returning, to the days of rate-setting. The 1980s level airline and rail deregulation, I think, in a lot of ways, was good for consumers and good for the industry, but that doesn't mean we

cannot have reasonable public safety enhancements in response to what happened in East Palestine.

I have talked to a number of my Republican colleagues, and nearly everybody has dealt in complete good faith, whether they like the bill or have some concerns about it, and these comments are not directed at them. Who they are directed at is a particular slice of people who seem to think that any public safety enhancements for the rail industry is somehow a violation of the free market.

If you look at this industry and what has happened in the last 30 years, that argument is a farce. This is an industry that enjoys special subsidies that almost no industry enjoys. This is an industry that enjoys special legal carveouts that almost no industry enjoys.

This is an industry that just three months ago had the Federal Government come in and save them from a labor dispute. It was effectively a bailout, and now they are claiming before the Senate and the House that our reasonable regulation, our reasonable legislation, is somehow a violation of the free market? Well, pot, meet the kettle, because that doesn't make an ounce of sense. You cannot claim special government privileges. You cannot ask the government to bail you out and then resist basic public safety.

Let me just say this. You have heard a lot of talk from my

fellow Republicans, and I think that talk is very justified, that we are the party of working people in this Country. There has been a big political realignment in this Country over the last 30 years, a political realignment that, frankly, I benefitted from. We are the party of firefighters, of police officers, of the people who go to work, pay their taxes, fight our Country's wars, and keep our communities safe. We are proud of that, and we should be proud of that on the Republican party.

But now we are faced with a choice. With this legislation and how we respond to this crisis, do we do the bidding of a massive industry that is in bed with big government, or do we do the bidding of the people who elected us to the Senate and to the Congress in the first place?

I believe that we are the party of working people, but it is time to be the party of working people. We have a choice. Are we for big business and big government, or are we for the people of East Palestine? It is a time for choosing. Let's make the right one.

[The prepared statement of Senator Vance follows:]

Senator Carper. Thank you very, very much, Senator Vance.
Thank you, Senator Brown.

My colleagues on this committee have heard me say more than a few times, bipartisan solutions are lasting solutions. I am encouraged that there is a bipartisan spirit afoot here. I would urge you to continue to grow that. We will try to kindle support for it, as well.

With that having been said, we are going to recognize our next panel of witnesses. I want to call the second panel of witnesses to come forward. The first witness will be Mr. Shaw. In addition to Mr. Shaw, we will be hearing from Debra Shore, the Regional Administrator for Region V of the Environmental Protection Agency.

Good morning, one and all. I think I have had a chance to welcome you individually and personally. We appreciate very much not only your presence here, but your willingness to share your thoughts and ideas with us as we try to make right a terrible wrong.

We are going to turn to our first witness, Alan Shaw. I appreciate the time you spent with me on the phone earlier this week. Mr. Shaw, you may begin your testimony at this time. Thank you. Welcome.

STATEMENT OF ALAN SHAW, PRESIDENT AND CEO, NORFOLK SOUTHERN CORPORATION

Mr. Shaw. Good morning, Chairman Carper, Ranking Member Capito, and distinguished members of the committee. I appreciate the opportunity to testify before you today.

My name is Alan Shaw, and I have been President and CEO of Norfolk Southern since May of 2022. I want to begin today by expressing how deeply sorry I am for the impact this derailment has had on the residents of East Palestine and the surrounding communities.

I have been to East Palestine many times over the past month. I have talked with the leaders, the business owners, the school officials, the clergy, and others throughout the community. They have shared their stories and their concerns about the health of their families and the future of the community they love.

I am determined to make this right. Norfolk Southern will clean the site safely, thoroughly, and with urgency. You have my personal commitment. Norfolk Southern will get the job done and help East Palestine thrive. At the direction of, and in collaboration with, the U.S. EPA, State and local agencies, we are developing and implementing near- and longer-term cleanup activities.

Air and water monitoring have been in place continuously

since the accident, and to date, it consistently indicated that the air is safe to breathe and the water is safe to drink.

In terms of community support, we have announced direct investments of over \$21 million. We have provided support to more than 4,400 families through Norfolk Southern's Family Assistance Center. We established a \$1 million fund available immediately to community leaders who will identify where donations can do the most good for East Palestine.

We committed \$7.5 million to Pennsylvania for a community relief fund, and we are reimbursing Pennsylvania emergency responders and health and environmental agencies for costs related to the derailment.

All of this is just a down payment. We recently signed a lease for a more permanent space in East Palestine. I asked one of our front-line railroaders, who lives in East Palestine, to take on a new role as a full-time liaison reporting directly to my office. He is advocating for the community in my office and overseeing distribution of another \$1 million. We will be in the community for as long as it takes.

To be clear, there are no strings attached to our assistance. If residents have a concern, we want them to come talk to us. Our website, nsmakingitright.com, provides the latest information and details on how to reach us.

We have been cooperating fully with the NTSB's

investigation into the cause of the derailment. The preliminary report found that the Norfolk Southern crew was operating the train below the speed limit and in an approved manner, yet it is clear the safety mechanisms in place were not enough.

As the NTSB continues its work, we are not waiting to act. Shortly after the derailment, I instructed my team to look at steps we could take to improve safety immediately. We have announced a number of initiatives to do just that.

These steps are just a start, and we look forward to working with policymakers and industry on others. We are also going to make our safety culture the best in the industry.

The events of the last month are not who we are as a company. When I began my tenure as CEO 10 months ago, I spent hours in crew rooms all over our 22-State network, thanking our front-line railroaders and asking them for their advice. They are proud of the important work they do for the U.S. economy and take safety seriously.

I am going to make sure they have the right training, the right processes, the right equipment, and the right technology. You have my commitment on that.

Since becoming CEO, I have dedicated our company to charting a new course in the industry. I intend to continue working with industry stakeholders, including railcar owners, lessors, shippers, and other railroads to make industry-wide

safety improvements. It is going to take all of us, and Norfolk Southern is eager to lead that effort.

Today, I am proud to represent more than 19,700 Norfolk Southern employees who work every day to offer a safe and efficient means of transporting goods to businesses and families across our great Country. When Norfolk Southern is successful, it is because our craft railroaders are getting the job done for our customers and the U.S. economy.

Thank you again for the opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Mr. Shaw follows:]

Senator Carper. Mr. Shaw, thanks very much for joining us today. Thank you for that statement, and again for the time you spent with me on the phone recently.

Next, we are pleased to welcome Debra Shore, the Regional Administration for Region V of the United States Environmental Protection Agency. Ms. Shore, you are welcome to begin. Some things have been suggested that the EPA maybe hasn't done everything as well as they could have done, should have done. My sense is that EPA was on the scene within hours of the derailment, and not only have you been there a constant presence, but we have seen our Administrator, Michael Regan, be there, and he will be there again. It is important; I commend you for that. We need for you to stay on the job, right on the scene, so thank you.

You are recognized.

STATEMENT OF DEBRA SHORE, REGIONAL ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

Ms. Shore. Thank you, Chairman Carper, Ranking Member Capito, and members of the committee for inviting me here today and for the opportunity to address your questions.

I want to start by affirming that EPA's mission is to protect human health and the environment so that all communities across America have clean air, clean land, and clean water. The health and safety of those who have been affected by the Norfolk Southern train derailment is a top priority for me and for EPA.

That is why, as soon as EPA was notified of the train derailment on Friday, February 3rd, EPA personnel were onsite in East Palestine within hours to support our State and local partners who were in the lead for emergency response efforts. Every day since, EPA has been boots on the ground, working in a bipartisan manner across all levels of government to help this community.

I have personally been in East Palestine listening to residents and have heard how devastating this derailment has been. They are understandably worried, and some are scared. Every time a train whistle blows, they are reminded of the trauma inflicted upon them by Norfolk Southern.

That is why we have used one of EPA's most powerful enforcement tools to hold Norfolk Southern accountable and to

require the company to clean up the mess it made. I want to be abundantly clear: the residents of the greater East Palestine community are not alone. EPA is with them and will continue to be with them for as long as it takes.

Since the derailment, EPA has been leading robust air quality testing using state-of-the-art technology in and around East Palestine. We are currently conducting 24-7 air monitoring at 21 stations throughout the community. I am pleased to report that since the fire was extinguished on February 8th, EPA monitors have not detected any volatile organic compounds above levels of health concerns.

While EPA is encouraged by the data, we also recognize that the people of East Palestine still question the health and safety of their community and their loved ones. In response, EPA has been assisting with indoor air screenings for homes through a voluntary program offered to residents to provide them with information and help restore their piece of mind. As of March 4th, approximately 600 homes have been screened through this program, and no detections of vinyl chloride or hydrogen chloride have been identified.

On the water side, Ohio EPA in partnership with the Pennsylvania Department of Environmental Protection, local health agencies, and public water systems continues to lead water sampling efforts, with EPA providing support.

What I have described so far summarizes EPA's ongoing efforts to protect the health and safety of those living in East Palestine, as well as in the surrounding areas of Ohio and Pennsylvania in the aftermath of this disaster.

Now, let me turn to how EPA is holding Norfolk Southern accountable. On February 21st, we issued a unilateral administrative order to Norfolk Southern, which includes a number of directives to identifying cleanup-contaminated soil and water resources, to attend and participate in public meetings at EPA's request, and to post information online, to pay for EPA's costs for work performed under this order.

EPA is overseeing Norfolk Southern's cleanup work to ensure it is done to EPA's specifications. The work plans will outline all steps necessary to clean up the environmental damage caused by the derailment. Most importantly, if the company fails to complete any of the EPA-ordered actions, the agency will immediately step in, conduct the necessary work, and then force Norfolk Southern to pay triple the cost.

EPA's order holds Norfolk Southern accountable and facilitates in the transition from the multiagency emergency response phase to a longer-term cleanup phase. Throughout my 11 days spent on the ground in East Palestine, I have learned that it is a proud and resilient community. Those who live there and in the surrounding communities have roots that go back

generations. We owe it to these people to restore these beautiful communities to the special places we know they hold dear.

That is exactly what EPA is working to accomplish, all while continuing to work hand in hand with our partners at the local, State, and Federal levels.

Again, thank you for inviting me here today. I look forward to the dialogue and to answering your questions.

[The prepared statement of Ms. Shore follows:]

Senator Carper. Thank you so much and convey our thanks to your colleagues at EPA for being there right away onsite and staying there through even today. Keep it up.

Everything I do, I know I can do better. I think that is true of all of us. I would just say, let's find ways to do even better going forward.

Anne Vogel, why don't you just start off your testimony with answering a question. Explain for folks who might be watching this, how do we have EPA here, Region III EPA, and we have Ohio EPA. How is that? Just take a minute and explain that. It won't count against your time.

STATEMENT OF ANNE VOGEL, DIRECTOR, OHIO ENVIRONMENTAL PROTECTION AGENCY

Ms. Vogel. Thank you, Chairman. Ohio EPA is the Ohio agency dedicated to protecting human health and the environment, similar to the work of the U.S. EPA, which covers the whole Nation.

Senator Carper. Thank you. Go right ahead, we are delighted that you are here. Please proceed.

Ms. Vogel. Good morning, Chairman Carper, Ranking Member Capito, members of the committee. My name is Anne Vogel, Director of the Ohio Environmental Protection Agency.

On behalf of Governor DeWine, Lieutenant Governor Husted, and the talented team that I am privileged to represent at the Ohio Environmental Protection Agency, I thank you for allowing me to share our ongoing efforts to protect human health and the environment in East Palestine, a community that I have called home for the past month.

Governor DeWine has been to the village regularly to reassure the community that, while this is Norfolk Southern's train, their wreck, and their mess, the entire apparatus of State government has been mobilized to assist as East Palestine begins to recover from this traumatic experience. More than a dozen cabinet officials have spent time in East Palestine assessing short-term and long-term needs, answering questions,

and standing up support operations, such as the free health clinic in town.

Ohio EPA has a dedicated team of experts, the emergency response team, with a combined 150 years of experience in environmental emergency management. It responded to the derailment within one hour of being notified by the railroad. By 12:25 a.m. on February 4th, Ohio EPA was on the scene and immediately began the work of containing the release of chemicals into the nearby Sulphur Run. We have worked around the clock since that day to oversee removal of the gross contamination from the creeks in the immediate derailment area.

Ohio EPA's oversight also includes ensuring the safety of residents served by the municipal water system in East Palestine. In the days immediately after the derailment and now continuing on a weekly basis, the municipal wells are tested for a broad array of chemicals, and all lab reports have indicated that the public water system is safe. There have been no detections of contamination related to the derailment.

I am happy to answer any questions you have about Ohio EPA's response, but what I want to make sure that each of you here know, along with the village of Palestine, is that the commitment to stay in East Palestine as long as it takes are not empty words. We live there. The work of Ohio EPA to restore the environment in East Palestine is just beginning. The

emergency phase will continue as long as obvious known contamination remains. For example, we have a large presence on the ground right now as contaminated soil under the tracks is excavated.

The investigation phase is also underway. Our oversight of Norfolk Southern's work plans, along with our Federal partners for things like soil testing for track removal and replacement, for water sampling, will make sure Norfolk Southern is taking all the right steps to remediate and protect East Palestine from potential long-term hazards.

We have installed monitoring wells at the site of the derailment to test for potential contamination to groundwater now and in the future. We have installed sentinel wells for long-term sampling of groundwater. This is part of an early detection system that will tell us if contamination is approaching the municipal well field. We will test municipal water systems on a weekly basis, and we will do that using our own labs.

We will continue to be 100 percent transparent, showing complete lab results immediately. We will attend open houses and town halls and be present in the community, answering questions and refuting misinformation with facts. The data that we collect from each sample, each test, each observation informs the next step that we will take along the path to long-term full

remediation.

You and your constituents have many of the same questions that I hear from residents of East Palestine every day. How long will we test the water? How long until the fish come back? Can I play in the yard and eat out of my garden? How or when will we know if the damage to our village is worse than we thought, or even irreparable?

These are legitimate questions, and I am committed to finding answers. I can promise East Palestine that Governor DeWine, his administration, and the whole team at the Ohio EPA will not stop until the signs definitively show that the residents of East Palestine are safe in their community.

Again, I thank you for the opportunity to be here today. I look forward to answering your questions.

[The prepared statement of Ms. Vogel follows:]

Senator Carper. Thanks very much, Ms. Vogel. Please convey our best to Mike DeWine, who used to serve here, and now we are governors and congressmen together as well.

For some people who are watching this, joining us from across the Country, you may be wondering why we have an EPA Region III. The EPA has ten regions that they operate and are responsible for. One of them is here, represented today, for Ohio.

Delaware and West Virginia are in Region III, and Pennsylvania, the three of us are all Region III. Every State has a State agency that focuses on environmental protection. In Delaware, it is the Department of Natural Resources and Environmental Control. In Ohio, where I spent a lot of years of my life when I was a kid, it is the EPA of Ohio. We are delighted that you are here and representing the governor and the State.

Next, we are going to hear from Mr. Richard Harrison, the Executive Director and Chief Engineer for the Ohio River Valley Water Sanitation Commission, ORSANCO. I am not real big on acronyms, so tell us, before you even start your testimony, Mr. Harrison, tell us, what is ORSANCO, so that anybody watching this on the television across the Country can say, okay, I understand that.

STATEMENT OF RICHARD HARRISON, EXECUTIVE DIRECTOR AND CHIEF
ENGINEER, OHIO RIVER VALLEY WATER SANITATION COMMISSION

Mr. Harrison. We are an interstate commission, sir, and we represent eight States within the Ohio River Basin, and we work on protecting the water quality, the water uses of the interstate waters of the basin. We have been here about 75 years doing this great work.

Senator Carper. Have you been there for all those 75 years? Probably not.

Mr. Harrison. Almost.

[Laughter.]

Senator Carper. Thank you. Go right ahead, Mr. Harrison. Thanks for joining us.

Mr. Harrison. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. My name is Richard Harrison, Executive Director and Chief Engineer of the Ohio River Valley Water Sanitation Commission. We are known as ORSANCO.

We are an interstate commission that carries out our compact signed by eight States: Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia, with approval by the United States Congress and participation by the Federal Government. Since its inception in 1948, ORSANCO has worked to improve and protect the water quality of the

interstate waters of the Ohio River basin.

I appreciate the opportunity to testify before this committee today regarding ORSANCO's efforts as part of an exceptional partnership to respond to the East Palestine train derailment and downstream impact on the Ohio River. ORSANCO's Compact specifies the protection of the interstate waters, the Ohio River Basin, as a safe and suitable public-industrial water supply after reasonable treatment. This is a critical service that ORSANCO provides to the 30 Ohio River surface drinking water utilities that supply the millions of customers that rely on them for safe drinking water.

ORSANCO's ability to excel in this type of response is only possible through the combined efforts of our partners, including the Ohio River drinking water utilities, our member States and governors, the United States EPA, the United States Army Corps of Engineers, and other Federal partners.

I must highlight Ohio Governor DeWine, the Ohio Environmental Protection Agency, and U.S. EPA Region V for their on-scene leadership in this particular response, and the Greater Cincinnati Water Works, GCWW, who provided critical laboratory analysis for numerous samples on a 24-7 basis.

ORSANCO has an extraordinary team of 22 professionals and a total annual budget of \$3.9 million. This is below our 2003 budget level. I am very proud of the strong value our

organization provides to our many partners that was most recently demonstrated through our successful response to the diluted chemical spill remnants of this event that reached the Ohio River.

The foundation of our chemical response is our staff's coordination with our partners, utilizing ORSANCO's Organics Detection System, ODS. The ODS includes 16 scientific laboratory instruments owned and operated by ORSANCO and then, on-scene operated by the Ohio River drinking water utilities themselves. This system provided the early warning that chemicals from the derailment had reached the Ohio River.

The ODS has subsequently provided over 40,000 screening level test results for 30 volatile organic chemicals. Over 130 special samples of the Ohio River were collected by my scientists and analyzed by Greater Cincinnati Water Works Laboratory. The proximity of the leading edge of the diluted spill remnants was tracked by ORSANCO's Time-of-Travel Computer Model and confirmed by daily sampling completed by our scientists. This information proved invaluable to our partners.

N-Butyl Acrylate, 2-Ethyl-hexanol, and 2-Ethylhexyl-acrylate were detected through ORSANCO's initial sampling efforts from the Little Beaver Creek, the tributary below East Palestine that feeds the Ohio River near the Ohio and Pennsylvania State border. As a result, we were able to

calibrate six of our more sophisticated ODS stations to quantify any detections of these chemicals that may be found in the remnants.

The Agency of Toxic Substances and Disease Registry, ATSDR, provided invaluable, timely provisional health guidance screening levels for these chemicals to determine what level might pose a health risk to finished drinking water. These screening levels were 560 parts per billion for n-butyl-acrylate, 500 parts per billion for 2-Ethylhexyl-acrylate, and 200 parts per billion for 2-ethyl-hexanol. Our highest Ohio River detection for n-butyl-acrylate was 4.3 parts per billion, and the analysis results for the other chemicals were all below one part per billion.

The ATSDR health screening levels and ORSANCO's ODS and special sampling data analysis provided the scientific foundation for our conclusion that there were no Ohio River detections at any levels approaching a concern to public health. This information was tabulated, posted on ORSANCO's website, and communicated to the public.

ORSANCO's ability to provide this high level of chemical spill response is dependent upon our ability to secure sustainable funding through the Fiscal Year 2024 Federal appropriations process. This includes the Organics Detection System.

If the recent accident has taught us anything, it is that we depend on this system and our capable staff and partners to respond to threats to our drinking water supply. The current ODS equipment was last funded by Congress in 2009 and needs replacement at an approximate cost of \$4.7 million.

In short, ORSANCO provided the level of service that our customers have depended on. Without this Federal investment, this will be a challenge in the future.

Let me thank the committee once again for the opportunity to testify today. Thank you.

[The prepared statement of Mr. Harrison follows:]

Senator Carper. Mr. Harrison, our thanks to you and everyone at ORSANCO for your testimony today and for being with us. Stay on it, please.

Eric Brewer, welcome. I understand you serve as the Director and Chief of Hazardous Materials Response for the Beaver Country Department of Emergency Services, not that far from East Palestine. Senator Capito has already mentioned and given a shoutout to the first responders who have turned out.

As a former governor who has spent a lot of time with disasters of our own in the State of Delaware, we know how important the work of the first responders are. We are grateful for their service and sacrifice. Thank you. Please convey our gratitude.

With that, you are recognized. Make your statement.
Thanks.

STATEMENT OF ERIC BREWER, DIRECTOR AND CHIEF OF HAZARDOUS
MATERIALS RESPONSE, BEAVER COUNTY DEPARTMENT OF EMERGENCY
SERVICES

Mr. Brewer. Thank you. Thank you for the opportunity to speak before you in reference to the emergency in East Palestine that is directly affecting the residents of Beaver County, Pennsylvania. This derailment occurred just under 1,000 feet from the Pennsylvania-Ohio line.

I am Eric Brewer, Director of Emergency Services for Beaver County. I am the appointed Emergency Management Coordinator as well as the Chief of the Hazardous Materials Response Team. I have been with the department for 28 years.

I am speaking as a member of the community as well as a first responder who was on scene the night of the derailment. My family has been in Beaver County for over 100 years. I was born, raised, and continue to reside there. I am part of the community.

I am not an expert on air quality, water quality, or railcars.

Beaver County is located in southwest Pennsylvania, approximately 20 miles northwest of the city of Pittsburgh. On Friday, February 3rd, at about 9:15 p.m., I was contacted by the Emergency Management Director of Columbiana County in Ohio. She was enroute to a train derailment near the county line and

requested mutual aid from the Beaver County Haz-Mat Team. Eighteen fire departments from Beaver County also responded to assist. We arrived at the command post about 10:15, which was set up at the Leake Oil gas station. On arrival, there was active fire among several rail cars.

Our mission was to obtain the train consist and start to research the contents of the tank cars. Norfolk Southern hazmat personnel and contractors arrived on scene shortly after 11:00 p.m. At around midnight, after research of the contents, it was decided to shut down fire operations and move firefighters out of the immediate area and to let the tank cars burn. This is not an unusual decision.

This decision was made primarily by Norfolk Southern Hazmat Coordinator, as well as their contractor. Based on that initial information, we decided to initiate a one-mile shelter in place from an intersection just east of Leake Oil. This put the one-mile radius just into Beaver County. That fire eventually burned out Sunday morning.

Sunday evening, we received a call from Columbiana County EMA advising us that the railroad officials were concerned about one of the tank cars starting to heat up, there was a possibility of explosion and we should consider a one-mile evacuation. Ohio officials notified us that the one-mile radius would now be from the Leake Oil address. This would add

additional residents from Beaver County in the one-mile evacuation zone. Darlington Township officials went door-to-door, as well as using a mass notification system to advise the residents of the one-mile recommended evacuation. It was stressed that this was a recommendation, as we cannot force residents from their homes.

Social media posts began to circulate, stating that arrests would be made if people refused to leave during the evacuation. Let me be clear: this was not the case in Pennsylvania, as this was not a mandatory evacuation.

Monday morning, we assembled at the Emergency Operations Center in East Palestine. We learned that Norfolk Southern wanted to do a controlled detonation of the tank car in question. We were assured this was the safest way to mitigate the problem. During one of those planning meetings, we learned from Norfolk Southern that they now wanted to do the controlled detonation on five of the tank cars, rather than just the one.

This changed the entire plan, as it would now impact a much larger area. I think this confusion was probably a result of a lack of communication from Norfolk Southern, a fact that they weren't present during these planning meetings.

The governors of Ohio and Pennsylvania made it clear to Norfolk Southern that they needed to communicate better. After more planning, the controlled detonation eventually occurred

around 4:40 p.m.

Most of the area of concern in Beaver County is rural and uses well water. There is no municipal water system in that area. Since the Monday of the controlled detonations, we have fielded thousands of calls from concerned citizens wanting to know if they can drink the water, feed their livestock, and if the air is good.

I continue to get asked about how prepared areas are for a train derailment. Emergency management consists of several phases, and one of those is preparedness. The goal of preparedness is to lessen the impact of a disaster, not prevent it.

As Senator Vance said, there will continue to be disasters. However, we can lessen the impact through preparedness, although it should not take an emergency such as this. I hope this is an impetus for better support of emergency management programs. Most emergency management programs across the Country have outdated laws, are underfunded, and understaffed.

In closing, this was a train wreck. There was not a script for this. There wasn't a binder for me labeled "train wreck." Everyone needs to know we did the best we could with the information we had. In the end, no responders were killed or injured during response.

My message has been consistent. I want the residents and

first responders of Beaver County to be treated the same as those in East Palestine. The cost of this emergency should not be a burden to the taxpayers of Beaver County, nor any of the local municipalities.

Thank you.

[The prepared statement of Mr. Brewer follows:]

Senator Carper. Mr. Brewer, thank you, and thanks again to you and really, the good people throughout this Country who are willing to get up in the middle of the night to risk their lives for the rest of us. Thank you.

I am going to ask some questions now and turn it over to Senator Capito for her questions, and we will hear from some of our other colleagues. I don't ask a lot of yes or no questions, Mr. Shaw; I am going to ask a few today and just ask you to answer, keep it short and answer yes or no if you can.

When I think about the train, the dertailment and chemical disaster that continues to impact the people of East Palestine and surrounding communities, I can't help but think what if this happened in my neighborhood to my own family. We have fairly heavy train travel, freight train travel throughout northern Delaware, and our communities are used to seeing those trains move throughout our State.

What if there were burning toxic trains outside of our window in our community, damaging our air, our water, and possibly making my family and our neighbors sick? What if this disaster lowered the value of our home, our business that I worked my whole life to build? I will be honest; I would be furious. I think most of us would be, and we would want to make sure that Norfolk Southern took action to make our families and our communities whole.

My first question is just a simple yes or no question, I have three of them. I think Americans, if we could get them all in this room, a lot of them would ask the same questions, if this happened in their towns. Yes or no, will you commit that Norfolk Southern will be there as long as it takes to make East Palestine, Ohio, Darlington Township in Pennsylvania, and the surrounding communities whole from this disaster? Yes or no.

Mr. Shaw. Senator, thank you for that question. I understand that concern. That is the same concern that is shared with me by the residents of East Palestine and Darlington Township. I am terribly sorry for the impact this derailment has had on the folks of that community, and yes, it is my personal commitment and Norfolk Southern's commitment that we are going to be there for as long as it takes to help East Palestine thrive and recover. That is my personal commitment.

Senator Carper. I take that as a yes, thank you. That is the answer I was looking for.

Next question. Will you commit that Norfolk Southern will compensate the people in these communities for possible long-term medical costs and economic damages resulting from this disaster? Yes or no, please.

Mr. Shaw. Senator, we are committed to doing what is right for the folks of East Palestine and the community. That has been my personal commitment since the day after this happened.

I pulled my team together and I told my team, we are going to do more than less with the environmental cleanup, and we are going to do more than less with the citizens of East Palestine.

Senator Carper. My third question is, yes or no, will you commit to paying for long-term medical testing for people in the impacted communities to ensure that anyone with known or suspected exposure to dangerous chemicals due to this disaster is monitored for adverse health effects? Yes or no.

Mr. Shaw. Senator, I am committed to doing what is right. We are going to be there today, tomorrow, a year from now, five years from now, ten years from now. I told the community that. I have been there in person. I looked into their eyes. I have heard their concerns. I have been in their family rooms. I am committed to that community, and so is Norfolk Southern.

Senator Carper. All right, thank you for that.

My second question would be for Administrator Shore. I commend EPA, I want to commend its employees and leadership for being in East Palestine, at least for the rank and file to be there within hours of the accident, and for the hard work that you and others have been doing every day since then to get the contamination cleaned up.

I also commend EPA for continuing to listen and response to the community's concerns, including adapting the monitoring and sampling to ensure that any adverse enviornemntal impacts and

possible significant health effects from this disaster are known and addressed.

Administrator Regan's level of personal involvement here I believe is unprecedented from anything I have seen in my experience. I think I know the answer, but I will ask you the same thing I asked Mr. Shaw. That is, do you commit that EPA will be there for as long as it takes to protect the public health and environment of the impacted communities?

Ms. Shore. Thank you, Senator Carper. Yes, EPA is committed to continue to work with our partners in the community and make sure they have the support that they need and deserve. EPA will be on the ground as long as it takes.

Senator Carper. Thank you. My last question I will ask is of Director Vogel, and to Mr. Brewer. Before this hearing I had the opportunity to speak with several of the officials involved in the response to this incident, including the governors of Ohio and Pennsylvania. Governor Shapiro shared with me a letter he sent to Norfolk Southern on February 14th, 2023. The letter asserts that Norfolk Southern did not communicate well with State and local agencies in the early days of the response, which led to confusion as well as concerns that alternative options for safely removing the chemicals were not adequately considered.

In your experience, did you receive the information you

needed for Norfolk Southern to adequately make decisions relating to protecting public health and safety? Were there any gaps in communications from Norfolk Southern to responding agencies in the first 72 hours of the derailment that may have contributed to distrust within the impacted communities? If so, has Norfolk Southern satisfactorily addressed any such communications gaps since that time? Ms. Vogel?

Ms. Vogel. Mr. Chairman, thank you for your question. I do believe there were quite a few gaps in communication and missteps in the very early hours following the derailment. I do believe those gaps in communications have been addressed and believe the teams are working well together on the ground today. But yes, things could have been handled better in the beginning hours.

Senator Carper. Thank you. Mr. Brewer, same question. Were there any gaps in communications from Norfolk Southern to responding agencies in the first 72 hours or so of the derailment that may have contributed to the stress within the impacted communities? If so, has Norfolk Southern satisfactorily addressed such communications gaps since that time?

Mr. Brewer. Thank you. The boots on the ground crews were great to work with. It seemed when bosses or management got there, that is where the communication failures started. That

is probably why we are here today. The decision to go from the one tank car to the five was jaw-dropping, just because of the impact it had. Since then, they did seem to get better.

Senator Carper. Thank you. Senator Capito, you are recognized for your questions.

CAP: Thank you. Thank you all for being here; thank you for your testimony. It is my understanding, this is sort of a table-setting question here, that no one, not the EPA, not the State, not Norfolk Southern, has been making these cleanup decisions in a vacuum. Instead, a unified command group of these entities and experts has all had input into these major decisions.

For everybody who is here, could I have a show of hands of whose organization is represented in this unified command group?

[Show of hands.]

Mr. Brewer. We used to be, up until like last week or so. EMA is involved, which is Columbiana.

CAP: Okay, thank you. Is that a fair assessment that I made forward, that these decisions are not made individually, they are made by the unified command? If you disagree, you can shake your heads. All right, thank you.

I mentioned in my opening statement, I want to go right to the EPA, Director Shore. Thank you for being on the ground early. I commended you in my opening statement, and your

organization. I understand this may be something we may get into a little bit later, you have Region V, Region III, within 1,000 feet of Pennsylvania.

I am concerned now about something Senator Vance talked about, and this is the hazardous waste disposal we are seeing right now. Apparently, there are piles and piles sitting there right now, not moving. I understand that facilities in Michigan and Texas that received waste from East Palestine are some of the most qualified in the entire Country. The U.S. Ecology facility in Michigan, for instance, had already accepted 360 tons of soil and 3,000 gallons of liquid in full compliance with their permit.

The EPA has stopped; they have failed to give us an answer on what legal authority you used to stop those trucks at the gates of the facility that had already been accepting large volumes of waste. You said in your statement that this is great news, because it means the cleanup can continue at a rapid pace. If it is still sitting there, I would say that is a contrarian kind of, that is in opposition to what we are seeing.

So all shipments of contaminated soils have been suspended onsite to test for dioxins, something that should have possibly been done weeks ago. But there was an insistence, I think, that the dioxin concerns were not as severe as what now you are going back and testing.

Let me be clear: it goes to this whole mixed messages of what is going on here. Help me understand why you are delaying this cleanup effort, why the piles are still piling up. Any time you get there, it disturbs not just the chemicals, but it brings the odor and then here comes the lack of trust right back down onto the community.

Could you help me with this? Is it true that most of the remaining contaminated soil is still stiting there in East Palestine? When are you going to get it out of there? Where are you going to take it? I know you are not doing it, Norfolk Southern is doing it.

Ms. Shore. Senator Capito, thank you for that. First, I want to thank you for acknowledging the heroic efforts of all the emergency responders who were on the scene within hours, including EPA on-scene coordinators from both Region III and Region V. I have them at the front of mind every day. Thanks for ackonweldging their efforts.

Let me report that waste is moving off-site, even as recently as yesterday and today.

CAP: Where is it going? Where is it going from the site?

Ms. Shore. To a number of facilities that are EPA-approved, that have the capacity to receive the waste, that have contradcts with Norfolk Southern, and that have gone through our due dilingence and a compliance review, which is necessary once

Federal EPA issued the order and assumed authority for the cleanup work from Ohio EPA. And we did pause to conduct that necessary due diligence and compliance review. Because then all the facilities fell under the CERCLA regulations.

Norfolk Southern engages facilities wherever they may be to accept solid and liquid waste. It is EPA's responsibility to ensure that the safeguards are in place for that waste and the loading transport and unloading to make sure that they are compliant with our regulations and to make sure they have the capacity to take the waste.

I can share some good news with you, that the results from the dioxin testing that Indiana requested came in yesterday. There are very low levels. So we expect waste to be moving perhaps as soon as today to other facilities. No option is off the table.

CAP: I would like to see a list of the facilities. I would also like to ask quickly, if I can have just another minute, why did you wait a month before you started to order the dioxin testing, when the community was asking for this? Was that a decision that you made early on, that it wasn't critical? How was that decision made?

Ms. Shore. Senator Capito, our air monitoring was searching for primary indicators, such as phosgene and hydrogen chloride immediately, during, and after the burn. We detected

very low levels which very quickly went even down to non-detect.

Without those primary indicators, it was a very low probability that dioxins would have been created. They are secondary products of the burning of vinyl chloride.

We were listening to the community. They expressed significant concerns about dioxins. Norfolk Southern has submitted a soil sampling plan. It has undergone review by the unified command and our folks will be out sampling soils for dioxins. There is a meeting with Agriculture representatives this afternoon.

CAP: Thank you. The air issue is obviously 30 days late, it is a little bit well past the time when the intensity might have been felt more. Thank you for your answers.

Senator Carper. Thanks for those questions.

Now I am going to take a couple of minutes and ask a few questions that were submitted by Senator Fetterman, who can't join us today. First question would be with regard to the Railway Safety Bill that has been introduced by several of our colleagues who spoke earlier.

My first question is to Mr. Shaw. In light of the derailment in East Palestine and the subsequent derailment and train crash that both happened in the last week, the National Transportation Safety Board and the Federal Railroad Administration have both announced that they will be conducting

investigations into the safety of your company. The U.S. Department of Transportation has called on Norfolk Southern to act urgently to improve your focus on safety. Additionally, I, along with Senators Brown, Casey and Vance, have introduced a bill that would impose commonsense measures to improve rail safety.

Senator Fetterman's question is this. Will you commit to supporting the bipartisan Railway Safety Act and help restore the public's trust in your company?

Mr. Shaw. Senator, thank you for that question. We are committed to the legislative intent to make rail safer. Norfolk Southern runs a safe railroad. It is my commitment to improve that safety and make our safety culture the best in the industry.

Just last year, derailments on Norfolk Southern were the lowest they have been in the last 10 years. Our personal injury rate is amongst the lowest in the industry. As you and I spoke about yesterday, we can always get better. And that is my intent, is to continue to invest and continue to improve.

Senator Carper. Thank you. As a follow-up from Senator Fetterman, he would like me to ask you, if you don't support the bill in its entirety, are there specific provisions of the bipartisan Rail Safety Act that Norfolk Southern could support?

Mr. Shaw. Senator, there are a number of provisions that

we would absolutely support. The rail industry has been in support of tighter tank car standards for a number of years. I understand that is in the bill.

We support more training and more funding for first responders. We support enhanced wayside detector technology. In fact, Norfolk Southern is leading the industry in a number of ways. You saw just this week a six-point safety plan that included a number of issues in which we are implementing immediately to improve safety, including installing more wayside detectors. The first one was installed yesterday outside of East Palestine.

Senator Carper. Thank you. Another question for you, Mr. Shaw, one more question from Senator Fetterman. His staff has heard from local officials in Darlington Township that Norfolk Southern began giving "inconvenience" stipends to individuals with an East Palestine zip code. After requests from Darlington and Beaver County, Senator Fetterman, along with Senator Casey and Congressman Deluzio, Norfolk Southern extended the inconvenience stipend. But it is still not clear how wide an area that covers.

Senator Fetterman is asking you to please clarify whether Pennsylvanians who left their homes after the derailment are entitled to this financial assistance from Norfolk Southern.

Mr. Shaw. Thank you for that question. I am, again,

terribly sorry for the impact and the disruption that this has had on the local communities. I am proud of the fact that Norfolk Southern had established a family assistance center within 24 hours of the derailment. We have assisted well over 4,400 families, including families from Pennsylvania.

Earlier this week, we announced a much more comprehensive package, totaling \$7.5 million, for Pennsylvania. Again, sir, that is just a down payment.

Senator Carper. All right. A follow-up to that, Senator Fetterman believes they need more insight into how Norfolk Southern coordinated with Pennsylvania agencies in the immediate response to the derailment. While the national attention has been focused on the Ohio side, this derailment occurred less than a mile from the Pennsylvania border. Pennsylvanians live directly downwind from the chemical release and burn.

Mr. Shaw, again this is Senator Fetterman's question, why weren't the Pennsylvania Emergency Management Agency and Pennsylvania Department of Environmental Protection contacted until hours after the derailment? Is there a process in place to notify the relevant State agencies when a derailment of train cars containing hazardous materials occurs? If so, why hasn't this process been followed in this instance?

Mr. Shaw. Senator, the process that is established is a part of the Department of Homeland Security presidential directive

that was established in 2003. My understanding is Norfolk Southern immediately contacted the National Response Center which then contacted applicable Federal, State and local authorities.

Senator Carper. All right. Now we are going to turn to Senator Mullin for his questions.

Senator Mullin. Thank you, Mr. Chairman. Thank you so much for being here.

I want to add to Senator Capito's question to Ms. Shore. I am going to ask Mr. Shaw, would you speak to the fact that the waste is being disposed at a facility 17 miles from East Palestine?

Mr. Shaw. I am sorry, Senator, could you repeat the question?

Senator Mullin. Well, we have reports that East Liverpool in Ohio is receiving this waste from East Palestine that has been disposed of. Is that accurate?

Mr. Shaw. Senator, standing here today, I don't know if that is accurate as of this time.

Senator Mullin. So do you know where the waste is going to?

Mr. Shaw. We are in the process of working with the EPA on a number of facilities.

Senator Mullin. But we haven't identified where it is

moving to yet?

Mr. Shaw. Senator, we are in the process of working with the EPA on a number of facilities that --

Senator Mullin. I understand that. I am just, I get you are in the process. But we haven't identified a place where this is being removed to yet. Is that accurate?

Mr. Shaw. Senator, I want to make sure I give you the most accurate --

Senator Mullin. I get that. I am just saying, is it accurate that we don't have a spot yet for it?

Mr. Shaw. Senator, we are moving some offsite.

Senator Mullin. Where is it moving to?

Mr. Shaw. I am happy to give you a list of those facilities?

Senator Mullin. Could you do that for us, please? I would appreciate that.

Mr. Shaw, when the vent and burn process was being made, who made those decisions and what was other considerations, other than just burning it and letting the material burn off?

Mr. Shaw. Thank you for that question. The only consideration, Senator, was the safety and health of the community. That decision was made by the unified command under the direction of the incident commander.

Senator Mullin. Who is that?

Mr. Shaw. The incident commander was Fire Chief Drabick. Norfolk Southern was a part of the unified command.

Senator Mullin. So who owns the car? Who actually owned the rail car with the material in it?

Mr. Shaw. The rail cars in question are tank cars which no railroad owns.

Senator Mullin. Were they considered in this decisionmaking? Are they responsible for the content of it, and the car itself, for the maintenance and the material in it, isn't that correct?

Mr. Shaw. Senator, it is a privately-owned rail car. So the maintenance requirements for that rail car are between the rail car lessor and the customer and those are private contracts. I am not privy to those.

Senator Mullin. But they are responsible for the content and the car, correct, making sure it is operating properly?

Mr. Shaw. Yes, sir.

Senator Mullin. Were they considered in this decisionmaking, considering it was their car, their design, their responsibility? Were they part of that decisionmaking on being able to vent it and burn it?

Mr. Shaw. Senator, the customer provided input.

Senator Mullin. Were they in the room when the decision was being made? I have received reports that they weren't. So

they weren't in the room?

Mr. Shaw. No, sir, not to my knowledge.

Senator Mullin. I just see that kind of hard to believe, considering that it is their car, it is their responsibility, and they weren't even considered before this decision to vent and burn it in the middle of a town. Doesn't that seem like possibly a mistake there?

Mr. Shaw. Senator, unified command was focused solely on the health and safety of the community.

Senator Mullin. Right. So the people that was in charge of the car should probably have a say in that to make sure we know the best way to dispose of it.

Mr. Shaw. My understanding at the time from talking to experts was that we were at risk of a catastrophic rupture that would have resulted in uncontrolled release of hazardous materials.

Senator Mullin. But it is my understanding, and I haven't been able to clarify this, that the report that I received was the fact that the car was actually working properly at the time. But the car's owners, the ones responsible for it, wasn't consulted before it burned off. Now, I haven't been able to verify that, but I am asking these questions because that is the information I received. If that is the case, I think that is an area for improvement. Wouldn't you consider that?

Mr. Shaw. Senator, I can't comment on the accuracy of that report. I am not aware of that.

Senator Mullin. But I am saying, if it is accurate, if that was accurate, wouldn't you consider that is a place we could probably learn from?

Mr. Shaw. I think the primary concern was the health and safety of the communities.

Senator Mullin. Sir, I get what you are saying. I am not trying to be disrespectful to you. But I am saying is, if all parties that are responsible for that car should have been part of that decisionmaking, because I believe they would probably say that they would be concerned too. I think everybody in this room will say that we are concerned about the health and safety of others. That is a give-me. So there is no point in repeating that.

I am just saying, how can we learn from this going forward, if they weren't in the room during the decision making and yet it was their car and the report may be accurate that the car was actually working functionally correctly, because these cars are designed for this kind of incident, that the option to vent and burn may not have been the best option if we didn't consider all other options first.

Mr. Shaw. Senator, I understand that. The experts on the ground who were there were very concerned about the pressure in

a car. We also noted that other cars had been in a pool fire. Unified command was aware that there was concern for a catastrophic explosion that would shoot VCM gas and shrapnel --

Senator Mullin. I hear you. We are just talking in circles here.

Chairman, what I am trying to get to is the fact that if this car was designed by someone else and if this car was owned by somebody else and the function of that car was designed by somebody else and was responsible by somebody else, then how do we know that the car wasn't working properly to begin with? And that is a question that needs to be answered. Someone may need to be held responsible that made the decision to burn this off. Because some of this, and a lot of this, could have been prevented.

With that, I will yield back.

Senator Carper. Thank you very much for those questions. Senator Cardin, you are next.

Senator Cardin. First, Mr. Chairman and Ranking Member, thank you very much for scheduling this hearing. I want to thank all the witnesses who are at the table.

Yes, I am very concerned that this was a preventable accident, preventable circumstance. The safety standards should have been able to deal with this. There needs to be full accountability. We need to make changes moving forward. We

have concerns about corporate responsibility and decisions made at the corporate level, all areas that are of grave concern to every member of this committee.

I represent the State of Maryland. The Ohio River may not flow through the State of Maryland, but its watershed does impact water in Maryland. I am interested, if I can, Mr. Harrison, Ms. Vogel, if I can get your understanding of how you are monitoring the quality of water as a result of this incident. What concerns me is that we have more extreme weather events that are occurring in our communities.

As you are doing your monitoring, what precautions are you taking for extreme weather events that are likely to occur, and the impact that that could have, not just on Ohio and Pennsylvania, but perhaps even on Maryland as it relates to water quality or even air quality?

Mr. Harrison. Thank you, Senator, for that question. I will speak to the work ORSANCO has been doing to protect the Ohio River drinking water supply. It really hinges on our great organics detection system, which is a number of scientific instruments, including six that are GC mass specs, which are very sophisticated instruments. We have been able to calibrate those for the various chemicals that we are able to detect. Those continue to operate.

So in addition to being able to utilize those for one-off

sampling that we did as we tracked the spill remnants all the way through over 700 miles down the Ohio River, we are continuing to operate those, actually our drinking water utilities are continuing to operate those on a daily basis. So that systems remains in operation and will continue to be in operation as long as necessary.

So we are able to detect those chemicals and any threats that might come through through rain. I am involved in the unified command, except for today. We have anywhere from two to three meetings a day and we are abreast of the onsite conditions that may occur. Last week's rain, for instance, we were able to demonstrate with our equipment that we did not detect any of the chemicals of concern.

Senator Cardin. In regard to groundwater sources?

Mr. Harrison. We do not work in the groundwater arena. Our compact focuses on surface water.

Senator Cardin. Ms. Vogel, can you add to this?

Ms. Vogel. Senator Cardin, thank you for your question. We appreciate the work of ORSANCO. My team on the ground from AEP Ohio is sampling the surface water every single day. We are taking samples in 20 different locations. We have a website set up with an interactive map where you can see exactly where we are sampling and what we are sampling for. It is a broad array of chemicals of concern, but also volatile chemicals generally.

We are posting those results. We are continuing to see dilution of the chemicals of concern.

I just want to be very transparent and say, we will continue to sample as long as we find any detections. But it does seem to be facing.

On the groundwater side, Seantor, we have installed monitoring wells at the location of the derailment. We have also installed sentinel wells near Sulphur Run and Leslie, between them and the municipal well field so that we will be able to test those on a weekly basis and know if there are any contaminants that might be approaching any groundwater or drinking water.

Seantor Cardin. Are you being totally transparent as you are doing this so that those of us who have concerns, particularly about impacts of extreme weather events, will be able to get contemporary assurances that the monitoring is being done?

Ms. Vogel. Yes, Senator. It is the number one priority of the team on the ground to prevent any additional releases, either through rain events or of course, from going any further than the initial contaminated area. That is our number one goal with water management right now.

In terms of transparency, we are posting full lab results the minute we get them. The Governor is very committed to being

transparent and providing all the information that we have when we have it.

Senator Cardin. Thank you. Thank you, Mr. Chairman.

Senator Carper. Thank you very much for joining us today.

I am told that Senator Ricketts is next in line. If you are ready, I will yield to you. Thanks for joining us.

Senator Ricketts. Thank you very much, Mr. Chairman. And thank you to all the panelists for joining us here today. Of course, Nebraskans are praying for the people of East Palestine and this terrible tragedy. We have a number of railroads that go across our State as well, so we are praying for a good outcome here with regard to the cleanup.

Ms. Shore, I would like to address my first couple of questions to you. I am sure you agree that Americans deserve timely and helpful updates when it comes to an environmental catastrophe, right? Yes. Yes, okay, great. And you agree Americans should be confident when they return to their homes that they are safe to return to, right?

Ms. Shore. Yes.

Senator Ricketts. So what are some of the things that the EPA has learned from with your response here that you would use to be able to improve going forward with regard to, we have heard how the people of East Palestine are not believing what the government is saying. What can the EPA do or what have you

learned from this to be able to help for the next incident to be able to help the people of that community get the information, feel like it is safe to return to their homes?

Ms. Shore. Thank you, Senator Ricketts. First, let me say I bring greetings from your sister, Laura, who has been a long-time friend of mine back in Illinois.

To your question, we are still enmeshed in the cleanup of the derailment. That is our primary focus. We need to clean up the site, get the contaminated waste out of there, and then focus on the longer-term remediation. There will be an after-action report, and we will be able to drill in on what lessons we can learn and how we can do better.

But right now, we need to clean up the site as safely and quickly as possible, and ensure that the necessary safeguards are in place to protect human health and the environment.

Senator Ricketts. All right. Thank you, Ms. Shore.

Mr. Shaw, I am going to ask you basically the same questions. I am sure you agree that Americans should have timely information when there is a catastrophe like this, right?

Mr. Shaw. Yes, sir. It is an emotional issue and it was a devastating derailment for the folks of East Palestine. That is one of the reasons that we set up our family assistance center within 24 hours and have served 4,400 families. We have also established a website, nsmakingitright.com. That is based

on feedback that I have gotten from the community as I have walked around and talked to people. They want more information, sir.

Senator Ricketts. So I am sure you agree that people want to know when it is safe to go back to their homes as well. What has Norfolk Southern learned from this that would help them be able to provide that information to people so they can feel comfortable in going back to their homes and they are getting the proper information in a timely way? What have you learned about what you would do differently going forward?

Mr. Shaw. Senator, in the immediate aftermath of this derailment, we had air monitoring in place, we had water monitoring in place. We have been collaborating with the EPA. My understanding is all the tests have shown that the air is safe and the water is safe.

Senator, to your point, when we set up our website, I asked the citizens of East Palestine for feedback. I asked them to tell me how we could make it better. What they have asked for is information on the website on the results of those air test and the water tests. And Senator, I have also made sure that we point folks to the results of the Ohio EPA and the Federal EPA air and water tests. They are the experts. We are here to support them.

Senator Ricketts. So is there anything in hindsight that

you say, hey, we should have done this better when it comes to how we are communicating with the people of East Palestine?

Mr. Shaw. Senator, there are always opportunities to improve communication. I was there very soon after the derailment. I immediately went to the Norfolk Southern Family Assistance Center, and I immediately went to the Red Cross shelter. I told them who I was. I told them the company I represented. I made sure they knew I was the CEO of Norfolk Southern.

I also made sure that I asked if they were getting everything that they needed from Norfolk Southern.

Senator Ricketts. All right. Thank you very much, Mr. Shaw.

I yield back.

Senator Carper. Thanks. Senator Sanders, you are next.

Senator Sanders. Thank you very much, Mr. Chairman, and we thank the panel for being with us today.

Mr. Shaw, you indicated in response to a question from the Chairman that, "I am committed to doing what is right." Well, I think all of us are committed to doing what is right. But the devil is in the details.

Mr. Shaw, Wall Street, about a decade ago, in order to increase the profits they were earning in the rail industry, implemented a program called precision scheduled railroading.

The result of that is that Norfolk Southern reduced its workforce by almost 40 percent over six years.

Meanwhile, in fact, Wall Street's goal was achieved, profits soared for Norfolk Southern. You made over \$3 billion in profits last year.

I have been told by workers who work for your company and other rail companies that they are now being asked to do more work with fewer workers. That includes safety inspections. So well before this disaster in East Palestine, we have been told about the potential safety hazards.

Will you make a commitment right now to the American people that you will lead the industry in ending this disastrous precision schedule railroading, which has slashed your workforce and made railroading much less safe? Yes or no, will you make that commitment?

Mr. Shaw. Senator, I understand your concern and I share that concern. If you will permit, I have a couple points on that.

I became CEO in May of last year. Ever since that point, Senator, we have been on a hiring spree. The number of employees at Norfolk Southern today is 1,500 more than it was this time last year.

Senator Sanders. You will forgive me, I don't mean to be rude. We just don't have a whole lot of time here. I

understand that. But you will not deny what you are trying to do is rebuild from the massive layoffs that took place.

My question back to you again, Wall Street, not the industry, imposed this on the industry. Wall Street said, we are not making enough money. Cut workers, cut workers, cut workers, even if it endangers safety.

My question to you, very simply, sir, will you lead the industry in doing away with precision scheduled railroading, that concept?

Mr. Shaw. Senator, in December of last year, I charted a new course in the industry that said we are going to move away from a near-term focus solely on profits, and that we are going to take a longer-term view that is founded on our engagement with our craft employees who are so critical to our success.

We were the first to pivot out of it.

Senator Sanders. Let me drill a bit again. I apologize for cutting you off. When you talk about your employees, the entire Country I think was shocked to learn a number of months ago that your employees, rail workers, who work in dangerous, dangerous jobs in all kinds of weather, has zero paid sick days. Now, I know that is beginning to change.

But I would ask you, given the fact that Norfolk Southern provided \$10 billion in stock buybacks recently, can you tell the American people and your employees right now that in order

to improve morale in your workforce, that you will guarantee at least seven paid sick days to the 15,000 workers you employ? I do know you have made some progress. You increased paid sick days to some of your workers.

Will you do what most Americans think is pretty obvious, that when you get sick, you get guaranteed paid sick days? Will you make that commitment right now to your entire workforce?

Mr. Shaw. Senator, with our latest agreement with our employees, which included a historic 24 percent wage increase and access to premium health care benefits, we immediately pivoted to talking to each of our local --

Senator Sanders. I have been deeply involved. I introduced the amendment on the Floor. I know the issue. What I am asking you right now, you provided paid sick days to some of your employees. I got it, thank you. Will you now do what most America, we get here in Congress, our employees get sick, they get paid sick days. Will you make that commitment right now to guarantee paid sick days to all of your workers? That is not a radical demand. It really is not. Will you make that commitment, sir?

Mr. Shaw. Senator, I share your focus on our employees. I will commit to continuing to discuss with them important quality of life issues with our local craft colleagues.

Senator Sanders. With all due respect, you sound like a

politician, Mr. Shaw. Paid sick days is not a radical concept in the year 2023. I am not hearing you make that commitment to guarantee that to all of your workers. Clearly, we should have that for every worker in America. I am not hearing that commitment.

Will you make that commitment, sir?

Mr. Shaw. Senator, I am committed to continuing to speak to our employees about quality of life issues that are important to them.

Senator Sanders. All right. I am Chairman of the Health, Education and Labor Committee. We look forward to having that discussion.

One last issue.

Senator Carper. Senator Graham is waiting to speak, so Senator Sanders, if you will keep this really brief.

Senator Sanders. Last question. You talked about covering the needs of the people of East Palestine. Does that include paying for their health care needs? All of their health care needs.

Mr. Shaw. Senator, we are going to do what is right for the citizens of East Palestine.

Senator Sanders. What is right is to cover their health care needs. Will you do that?

Mr. Shaw. Everything is on the table, sir.

Senator Sanders. Thank you.

Senator Carper. Thank you, Senator Sanders. Senator Graham?

Senator Graham. Let's just sort of continue what Senator Sanders was talking about. This hearing is designed to make sure that this doesn't happen again. Is precision scheduling, what was the phrase that Senator Sanders used?

Senator Sanders. Precision scheduling railroading.

Senator Graham. Did that have anything to do with this accident directly?

Mr. Shaw. Senator, thank you for that question. The NTSB report said that Norfolk Southern crew did everything that they were supposed to do. I personally thank them for that.

Senator Graham. All right, so let's get back to what we are here for, is to try to solve the problem in front of us. What caused this?

Mr. Shaw. Senator, the NTSB report is still ongoing. I am not waiting to act.

Senator Graham. It wasn't lack of personnel, right?

Mr. Shaw. There is no indication that it was lack of personnel.

Senator Graham. Or that they did anything wrong?

Mr. Shaw. The NTSB specifically said there is no indication that the Norfolk Southern crew did anything wrong.

Seantor Graham. Okay, when we find out what happened, let's try to fix it. And we can talk about paid leave, and I think I may have actually voted for Bernie's amendment. I don't quite remember.

But I want to focus on the moment we have here. How many times have you been to East Palestine?

Mr. Shaw. Senator, I have been there five times.

Senator Graham. Ms. Shore, have you been there?

Ms. Shore. Senator Graham, I have spent 11 out of the last 30 days in East Palestine.

Seantor Graham. Do you think you have benefited from having been there and listened to the people?

Ms. Shore. Very much so.

Seantor Graham. What about you, Mr. Shaw?

Mr. Shaw. Yes. It has really helped me.

Senator Graham. Yes is good. Would you be willing to go with President Biden if he chose to go there? Would you be willing to go with him if he asked you to go?

Mr. Shaw. Senator, I want to keep the politics out of it. I am not qualified.

Senator Graham. It is not a political question. The question is, if the President asked you to go, would you go with him?

Mr. Shaw. I will go with anybody who wants to go and help

the community of East Palestine.

Senator Graham. Ms. Shore, same for you?

Ms. Shore. If I am asked to go, I certainly will.

Senator Graham. So I am calling on the President to ask both of you, and go. What is the downside of talking to people about going through a big trauma? Him going there doesn't fix all the problems. But I think it is a step in the right direction. I just wish you would all go there, so we could all work to solve the problem. The more we know -- maybe I should go there.

The bottom line is, would either one of you have a problem living there full time given the condition on the ground? Do you feel it is safe to continue to reside in this town? Mr. Shaw?

Mr. Shaw. Senator, the EPA and Ohio EPA have very high standards. I trust their testing.

Senator Graham. Would you live there, given what you have seen?

Mr. Shaw. Yes, sir. I believe the air is safe, I believe the water is safe. There are hundreds of tests, there are millions of data points. They all point to the same thing. I genuinely enjoy my conversations with the folks in East Palestine.

Senator Graham. I am sure they are traumatized, and every

time somebody shows up, it is probably good.

Ms. Shore, do you agree that it is a safe place to live?

Ms. Shore. Senator Graham, science is EPA's north star. We follow the science. I drink the water there; I drink it every time I go to town. The scientific data shows that it is safe, as does the air.

Senator Graham. That is good. Ms. Vogel, you are from Ohio. Have you been there?

Ms. Vogel. I have been in East Palestine since February 3rd, with the exception of five days.

Senator Graham. That is a real dedicated effort here. Do you think you have been enriched by these visits? Has it helped you?

Ms. Vogel. Yes, Senator.

Senator Graham. Do you think you have learned more about the problem having talked with these people?

Ms. Vogel. Unquestionably.

Senator Graham. Would you have a problem living there now?

Ms. Vogel. I mostly do.

Senator Graham. You do have a problem with living there?

Ms. Vogel. I mostly live there.

Senator Graham. Okay, so you are okay?

Ms. Vogel. Yes, sir. My team and I have been there for

the last month.

Senator Graham. Okay, so let's do what we can do make sure it is safe to live there. Let's make sure that we help these people. If they have medical needs, let's meet them. Let's find out what happened and try to fix it the best we can.

Does that make sense to everybody on this panel? Okay.

So whether or not we need to change overtime laws, we will talk about that. But what I want to do is make sure that this committee understand that if you live there, everybody here believes it is safe to live there. I feel better about that. That the railroad company, the people operating the train, are not accused of being at fault.

So let's find out what happened and fix it. And again, we have two Senators from Ohio, they are putting together a product. I want to help them the best we can. And I will just end where I began. I think the President would serve himself and the Country well to go there. So please go.

Senator Carper. Senator Graham, is that it for you, my friend? All right, thank you.

Before I turn to Senator Whitehouse for his questions, let me ask unanimous consent to enter into the record various materials detailing the Biden Administration's focus on safety and negligence to the community.

We have heard allegations that the Biden Administration is

sacrificing safety. That is simply not consistent with what has happened in East Palestine, nor the Biden Administration's numerous efforts to improve safety both before and since the accident.

I want to ask unanimous consent to submit for the record various materials detailing the Environmental Protection Agency's immediate and ongoing response to the accident as well as a document describing the Department of Transportation's immediate response to the accident, including the Pipeline and Hazardous Materials Safety Administration activities.

And a document showing concrete steps to strengthen rail and hazardous materials safety that Secretary Buttigieg has directed the Department of Transportation take since the derailment, and EPA's proposed rule to strengthen hazardous materials management and accident prevention under the Risk Management program.

Last but not least, I would also note that President Biden called the Ohio and Pennsylvania Governors in the first 48 hours offering assistance. Without objection.

Senator Whitehouse. Mr. Chairman, while we are in unanimous consent mode, may I ask unanimous consent to add to what you have asked two articles, one titled Ohio Train Derailment as a Reminder of Plastics Dangers, another entitled This Deadly Chemical Should Be Banned.

And then a pair of articles related to the contractor that has been hired by Norfolk Southern, one entitled Oil Companies Rely on Controversial Firm to Rebut Colorado Health Study, and another entitled Checkered Past of the Contractor Monitoring the Air in East Palestine.

That would be supplemented by a letter from our new colleague, Peter Welch, back in his day as a House member, responding to the oil spill expressing concerns about this company, CTEH. If I could add those to your list of UCs, I would appreciate it.

Senator Carper. Is there objection? Hearing none, so ordered.

[The referenced information follows:]

Senator Carper. Next, Senator Whitehouse, I think you are recognized for questions.

WH: Great, thank you. Mr. Shaw, the news is reporting that there has just been a significant derailment in Alabama of one of your trains. I certainly hope that all of your team and anybody in the vicinity is safe and well. You may need to look into that. I wanted to mention that.

I am interested, in my questions, in the extent to which politics has played a role in this situation. In 2015, the Federal Government issued a new regulation requiring trains like yours that carry certain dangerous substances to be equipped with electronic brakes. Along with other industry stakeholders, Norfolk Southern stated that the regulation was "not in the public interest." The industry successfully got the regulation watered down.

Just three years later, the Trump Administration fully repealed the regulation. I will ask you a question for the record for your attorneys and staff to reply to about, for all communications between your company and your trade association with the Trump Administration relative to that repeal. You don't have to respond now. That is a coming attraction through our QFR process.

I also note that since 2002, the rail industry has spent more than \$650 million on Federal lobbying, with another \$60

million spent on State lobbying. The five largest spenders were the Association of American Railroads, your major trade group, BNSF Railway, CSX Corporation, Union Pacific Corporation, and you can answer for me who was the fifth big spender. I will give you a hint: it is Norfolk Southern.

Do you know how much it was that Norfolk Southern spent on lobbying during that period?

Mr. Shaw. No, sir, I don't.

Senator Whitehouse. For the record, \$69 million. Norfolk Southern lobbies through the National Association of Manufacturers as well. Do you by any chance know how much Norfolk Southern gave to National Association of Manufacturers in 2016 and 2017 when it was opposing the braking regulations I mentioned?

Mr. Shaw. Senator, I will note that the NTSB Chair Homendy specifically stated that the braking regulation that you referenced would not have had an impact on this derailment.

Senator Whitehouse. Okay. And will you answer my question? Do you know how much you have spent against that regulation?

Mr. Shaw. No, sir, I don't. I also know that the Government's own GAO and the National Academies of Science indicated in 2016 that the Department of Transportation's, the FRA's review of ECP brakes was unjustified.

Senator Whitehouse. I will ask you a question for the record that the information for 2016 and 2017 that you have reported for later years in your climate lobbying report be provided to the committee, an equivalent to what you already provide, but looking back to those years when this was at issue.

We have discovered that Norfolk Southern, in a statement that appears now to have been deleted from your website, had previously touted the ECP braking systems as having, and I quote you here, "the potential to reduce train stopping distances by as much as 60 percent over convention air brake systems." We have found as early as 2007 a Norfolk Southern lead engineer promoting the "big advantage for emergency braking" that ECP brakes offered." So I want to make those statements a part of the record.

[The referenced information follows:]

Seantor Whitehouse. Is it true, the New York Times reporting that Norfolk Southern has paid shareholders nearly \$18 billion through stock buybacks and dividends in 2022?

Mr. Shaw. The New York Tiems is reporting what, sir?

Senator Whitehouse. That Norfolk Southern paid its shareholders nearly \$18 billion through stock buybacks and dividends in 2022.

Mr. Shaw. Sir, I have a different perspective on that.

Senator Whitehouse. Is the number right?

Mr. Shaw. No, sir.

Seantor Whitehouse. Putting aside your perspective?

Mr. Shaw. No, sir.

Seantor Whitehouse. Okay. Then let me add to my QFR list your view of what the accurate number is, as opposed to the New York Times number.

My time is pretty well up, Mr. Chairman. I hope we can get prompt and complete answers to those QFRs. Thanks very much.

Senator Carper. We look forward to your responses on QFRs, questions for the record, and we will talk more about that before we conclude. Thank you.

Next is Senator Merkley, then Senator Markey, not to be confused with one another.

Senator Merkley. Thank you very much, Mr. Chairman. Thank you all for bringing your testimony to bear. I do hope that the

derailment that occurred just hours ago, Mr. Shaw, is one that does not endanger another community.

Back in 2016, Senator Wyden and I were very involved in pushing for improvements in safety after the derailment endangered the town of Mosier in Oregon. We found out how much the industry resists improvements in safety.

That following year, Norfolk Southern was invited to participate in a conversation with the Administration. They submitted a 23-page submission of rules and Federal guidance of things that they wanted, safety and regulations to be removed.

You have noted you are turning over a new leaf in this regard. So can we count on you and your team of lobbyists to push for safety improvements rather than lobbying against those improvements?

Mr. Shaw. Yes, Senator, I share your concern and your focus.

Senator Merkley. I don't want you to share my concern, I want to know, will your team lobby for safety improvements rather than against them?

Mr. Shaw. Senator, we will continue to follow science, we will continue to follow data. There are actually a number of areas in which we have invested in safety systems well above government regulation.

Senator Merkley. I will ask you to submit that for the

record. I really thought when you said turn over a new leaf, I thought you were saying you were now going to support safety regulations. I am sorry you can't tell this crowd here today that would like to hear that that that is the case.

Three years ago, Norfolk Southern cut five positions in East Palestine that oversaw maintenance of equipment detectors that are used to determine or monitor boxes, sometimes they are called hotboxes, that measure things that are going on wrong on the track, including bearing temperature. There are initial reports that defective bearings or overheating bearings may well have been the cause of this particular accident.

Will you pledge today to quit eliminating positions and sensors that oversee track conditions like removing the folks who monitor the hotboxes, and instead add and support those monitors, so that when there is something like an overheating bearing, it gets detected and the train gets stopped rather than crashing or derailling?

Mr. Shaw. Senator, the NTSB report indicated that all of the hotbox detectors were working as designed. Earlier this week, we announced that we are adding approximately 200 hotbox detectors to our network. We already have amongst the lowest spacing between hotbox detectors in the industry, and we already have amongst the lowest thresholds.

Senator Merkeley. I am delighted to hear you are adding

those back. Thank you. It is also important to recognize those boxes actually have to be monitored, and it is the five positions for monitoring them that were eliminated.

I hope in response to the committee you will also be able to note how those are being monitored and how that monitoring can be improved.

My last question is that in 2021, your company did \$3.1 billion of stock buybacks, and in 2022, \$3.4 billion of stock buybacks. As of December, they had another \$7.5 billion available to do additional stock buybacks under the \$10 billion stock buyback plan.

That is quite impressive numbers for any American company. It indicates massive profits. Will you pledge today that you will do no more stock buybacks until a raft of safety measures have been completed to reduce the risks of derailments and crashes in the future?

Mr. Shaw. Senator, I will commit to continuing to invest in safety. We invest over a billion dollars a year.

Senator Merkley. You noted that you have a list of safety things you would like to implement. Will you commit, no more stock buybacks until those safety improvements are completed?

Mr. Shaw. Senator, I will commit to continuing to invest in safety. You have seen over time the number of derailments, hazardous material releases, and personal injuries has

decilend. There is always more that we will do, and I am committed to having the best safety culture in the industry.

Senator Merkley. You are coming here with three derailments within three months. The average for the industry is one per month for the entire industry. So congratulations on maybe some good luck over a few years. But at this moment, your team is the team that has the most derailments in the last three months.

I want to note that every engineer understands that if you have brakes on every car, rather than just brakes on the front car, that you prevent the accordion style crashes that you have been having. It is why any truck carrying a trailer has brakes on the trailer instead so the trailer doesn't flip over the top of it.

The industry has absolutely resisted these, trying to deploy their lobbyists to counter every single report about having those multiple brake systems. I understand it is complicated, because as you noted, you don't own the cars. That makes having these coordinated brake systems -- but listen, if we can put people on the moon, we can put brakes on every train car. This is really the single most significant safety factor that can be pursued, and I really hope that you and your company and your industry will take and start taking seriously safety, which we have not seen to this point.

Mr. Shaw. Senator, I take safety very seriously. There are brakes on every car. I can assure you of that.

Senator Merkley. I hope you support the Coordinated Pneumatic Electronically Controlled system that you have been fighting against for years.

Senator Carper. Senator Markey.

Seantor Markey. Thank you, Mr. Chairman, very much.

The East Palestine train derailment was not preordained. It was preventable. It was a disaster waiting to happen. Corporate greed, outdated railway safety regulations, lax hazardous material standards, were all the fuel on a toxic fire that was ready to combust. This was something that was preordained and known about because of all of the rail accidents that happen every year in our Country.

Unfortunately, innocent, hard-working working families in Ohio and Pennsylvania were the ones that got harmed by this. Those families were upended, their lives have been changed. Doctor bills, veterinaririan bills, saw the values of their homes plummet overnight and stayed up late worrying about what this means for their health and the health of their young children in the future. These are real harms.

So am I right, Mr. Shaw, that last year, the stock buybacks by Norfolk Southern were \$3.4 billion? Is that correct?

Mr. Shaw. Yes, sir, that's directionally correct.

Senator Markey. Am I correct, Mr. Shaw, that last year Norfolk Southern made \$3.3 billion in profits?

Mr. Shaw. Yes, sir. Last year we invested over a billion dollars in safety, and last year, our accident rate, our number of accidents was the lowest it had been in the last 10 years. Our safety stats, Senator, continue to improve. I am committed to making Norfolk Southern's safety culture the best in the industry.

Senator Markey. Well, you are not having a good month. You are not having a good month. It seems like every week there is another accident that Norfolk Southern is a part of in our Country. So you may think you have put in enough. But the facts are saying just the opposite in terms of what is happening.

What I am hearing from you is just this great confidence that you have in your system. But I will tell you this, Mr. Shaw. Overconfidence breeds complacency, and complacency breed disaster. That disaster has hit East Palestine, and it is hitting community after community across this Country. Not just Norfolk Southern, but the rail industry in general that has reduced its workforce by one-third over the last 10 years. In that reduction in workforce, there is a reduction in the measure of safety that has to be built in in order to guarantee that people avoid these kinds of catastrophes.

Let me ask you, Mr. Shaw, about a decision that your company has made. You have chosen an arbitrary one-mile radius from the disaster site for people to qualify for assistance, meaning some families who breathe the same air, drink the same water, aren't getting the same help. Mr. Shaw, will you commit to providing financial compensation to all affected people, including those who live outside your arbitrarily chosen one-mile radius around the derailment site?

Mr. Shaw. Senator, we have made our Family Assistance Center and payments available to folks within the zip code, within Darlington Township. We have committed --

Senator Markey. Will you commit to helping those people outside of the one-mile radius? That is my question, yes or no.

Mr. Shaw. Senator, we already are.

Senator Markey. You already are?

Mr. Shaw. Yes, sir.

Senator Markey. All right. Well, that is not clear. Will you commit to compensating affected homeowners for their diminished property values?

Mr. Shaw. Senator, I am committing to do what is right.

Senator Markey. Well, what is right is a family that had a home worth \$100,000 that is now worth \$50,000 will probably never be able to sell that home for \$100,000 again. Will you compensate that family for that loss?

Mr. Shaw. Senator, I am committed to do what is right.

Senator Markey. That is the right thing to do. These are the people who are innocent victims, Mr. Shaw. These people were just there at home and all of a sudden their small businesses, their homes are forever going to have been diminished in value. Norfolk Southern owes these people. It is an accident that is basically under the responsibility of Norfolk Southern, not these families.

When you say "do the right thing," will you, again, compensate these families for their diminished lost property value, for homes and small businesses?

Mr. Shaw. Senator, we have already committed \$21 million, and that is a down payment.

Senator Markey. That is a down payment. Will you commit to ensuring that these families, these innocent families, do not lose their life savings and their homes and small businesses? The right thing to do is say, yes, we will.

Mr. Shaw. Senator, I am committed to doing what is right for the community. We are going to be there as long as it takes.

Senator Markey. What is right for the community will then be balanced, which is what we can see from your stock buybacks, by what is right for Norfolk Southern. That is going to be to sue, to fight, to resist full compensation for these families.

That is the pattern we have seen over the last 10 years and your one-third reduction in workforce with its natural concomitant reduction in safety.

We are not hearing the right things today. These families want to know long-term, are they just going to be left behind. Once the cameras move on, once the national attention dies down, where will these families be? I think they are going to be in the crosshairs of the accountants of Norfolk Southern saying, we are not going to pay full compensation. That is why we are going to stay on this case until everyone in East Palestine is given the justice which they deserve.

Senator Capito. [Presiding.] Senator Padilla is up next.

By way of explanation, we are in the middle of two votes. That is why we are sort of ping ponging a little bit. Sorry for the disruptions.

Senator Padilla. Thank you, Madam Chair.

I understand while I stepped away for the votes you just referenced, there have been additional questions about the stock buybacks, which I may have some follow-up on, as well as follow-up to the precision scheduled railroading that I know Senator Sanders and Senator Graham, among others, have raised.

Let me actually ask a question of Ms. Shore. In the spirit of holding polluters accountable, we know what brings us here today are the incidents, plural now, in East Palestine.

We can all agree that we need to hold polluters accountable. I have strong feelings about this personally, having dealt with the Federal Government failing to hold companies accountable for environmental crimes and leaving communities holding the bag.

Aside from the loosening of regulations, which we need to discuss and debate, part of the conversation for the rail incident in East Palestine, I want to bring attention to a case in my hometown of Los Angeles.

Under the Trump Administration, the EPA, your predecessors, the agency you are part of leading, along with the Department of Justice under the Trump Administration, supported a bankruptcy plan to let the corporate polluter known as XCIDE evade criminal liability and responsibility to clean up decades of toxic dumping and, as a result, left California taxpayers on the hook for the largest environmental cleanup in our State's history.

My question, Ms. Shore, is how will the EPA ensure that what happened during the Trump Administration, what they inflicted on Los Angeles communities surrounding the XCIDE plant, isn't repeated in East Palestine?

Ms. Shore. Thank you, Senator Padilla.

On February 21st, EPA issued a Unilateral Administrative Order, it is one of the most powerful enforcement tools the agency has under the CERCLA, the Comprehensive Environmental

Recovery, Compensation, and Liability Act, that will hold Norfolk Southern accountable to pay for all the costs of the cleanup and restoration in East Palestine.

If the company doesn't comply with EPA's order, then EPA can step in, continue the work so there is no disruption in the essential cleanup, and assess three times the cost as penalties. It is a tool that EPA has effectively used in the past and we will be vigorous about holding the company accountable.

Senator Padilla. Thank you. Because again, we saw what I would consider a worst case study, not a best-case study, when these settlements completely leave polluters off the hook for the damage they have taken. That was a prior Administration policy that changed under the current Administration, working to embed the environmental justice lens as well, not just at EPA, but within the Department of Justice and hope to make it permanent.

I want to come back to Mr. Shaw for a few questions as it pertains to your workforce, inspections and maintenance. You recently announced that Norfolk Southern would be deploying more wayside detection and hotbox detector technology as part of the safety plan. I apologize if this is a little bit redundant with the prior questions that have come up during the hearing, but I think I have some specifics I want to get to.

From what I understand, the company has also reduced its

workforce by nearly 40 percent since 2015. According to your own data reported to the Surface Transportation Board, the number of employees assigned to maintenance of equipment and stores has decreased by 60 percent over the past decade. Your data.

Given what has happened, is Norfolk Southern now going to hire the additional signal workers necessary to maintain and inspect the system you are relying on to improve safety?

Mr. Shaw. Yes, Senator, thank you for that question.

The NTSB report was very clear that our hotbox detectors were working as designed. We have taken it upon ourselves to install more hotbox detectors as needed.

Senator, I became CEO of Norfolk Southern 10 months ago. Senator, ever since then, we have been on a hiring spree. We are aggressively hiring employees. Right now, our pipeline of conductor trainees is amongst the highest in our history. And I am not going to stop.

Senator Padilla. Be specific. You say you are on a hiring spree. I want to be specific to the signal workers necessary to maintain and inspect the systems.

Mr. Shaw. Senator, if we need to hire more signal workers to maintain and inspect the signals, we will absolutely do that.

Senator Padilla. Let me ask you this question. I don't know if you have worked the line or at least walked the line,

but how many sensors or length of track are assigned to each worker?

Mr. Shaw. Senator, I don't have that specific information.

Senator Padilla. Do you know if workers are specifically dedicated to the inspection and maintenance of these technologies, or if it is just one in a long list of responsibilities they may have in the course of a day?

Mr. Shaw. Senator, I don't know the specifics of that. I am happy to get that information to you.

Senator Padilla. Let me tell you why I asked. According to the AFL-CIO's Transportation Trades Department, the amount of time car men have to inspect each car in a train has been reduced by two-thirds, from three minutes to now just 60 seconds per car, 60 seconds.

Do you know how long it takes to walk the perimeter of a single car? Do you think 60 seconds is enough to not just walk the perimeter of that train car but does that leave enough time for an actual, thorough inspection? I can't imagine this gives us the confidence that car men have the time to conduct that thorough inspection to identify or find any potential defects before the cars are sent back into service.

I know the initial reviews and studies have said the sensors weren't working as you mentioned, but the investigation is not complete. NTSB is still doing some follow-up work.

Sorry to drill down on a specific, but these specifics matter. It is not just the technologies, it is the workforce necessary to install, to maintain and to ensure they are properly functioning. To me it just falls into the greater pattern we have seen over the past decade, workforce overall reducing, corporate compensation and stock buybacks on the upswing when the workforce that keeps the trains running and running safely is what is being compromised.

I know my time is up. Thank you, Madam Chair.

Senator Capito. Senator Stabenow.

Senator Stabenow. Thank you very much, Madam Chair.

Thank you to everyone for being here. This is obviously incredibly serious.

Mr. Shaw, Norfolk Southern's lack of transparent communication with impacted States, I am specifically thinking of Michigan now, during the cleanup process concerns me. Do you think it was acceptable that the company started moving toxic waste from East Palestine to Michigan without notifying Michigan officials? Michigan officials were not notified.

Mr. Shaw. Senator, working with the EPA, we were taking product to facilities that were specifically designed to handle this type of material.

Senator Stabenow. But Michigan officials, the Governor, myself, Senator Peters, and the Michigan EPA were not notified

before that happened. Let me must say that is why I am really glad the EPA is now overseeing this process going forward because that is not acceptable to us in Michigan.

Administrator Shore, moving forward, can I count on you and the EPA to work with us during the cleanup process, so we can make sure Michigan families aren't put in danger?

Ms. Shore. Senator Stabenow, you certainly can. The Administrative Order that we issued that went into effect fully on February 27th requires Norfolk Southern to notify our co-regulators, in your case Michigan Eagle, of shipments to the State.

But as they continue to ship waste, EPA will take the additional step of keeping you and Congressional staff in the State informed.

Senator Stabenow. Thank you so much, because that did not happen at the beginning. I appreciate now with EPA oversight that this will be happening, because it was very concerning to people in Michigan as well as elected officials.

I have a quote from Norfolk Southern: "We are going to learn from this terrible accident and work with regulators and elected officials to improve railroad safety."

Mr. Shaw, we certainly need to do that. We certainly need to strengthen safety standards, especially now that we have an Administration that supports strong standards instead of working

to gut them like the last Administration did. We are now in a good spot to be able to move forward. We have bipartisan legislation to do that.

Here is my question. When you tell us the company is ready to learn from this, I would feel better if this wasn't the 20th time since 2015 the company has had a derailment resulting in a chemical release. It is my understanding that the 21st incident almost happened in Van Buren Township, in Michigan, just two weeks after East Palestine.

My question is, great, that you say you are going to learn from number 20. What did you learn from number 19? What did you learn from number 1, number 5, number 10, or number 15? What safety measures have you implemented since this was the 20th time since 2015 that there had been a derailment resulting in a chemical release?

Mr. Shaw. Senator, I think that is the right thing to focus on. I am focused on it too. We invest over a billion dollars a year in safety. You have seen over time the number of derailments and hazardous material releases and personal injuries decline. We will continue to get better. I am committed to creating the best safety culture in the industry.

Just this week, we announced several new initiatives to enhance safety which included more hotbox detectors across our network, partnering with other railroads to share best practices

on hotbox detector technology.

We are also putting up a machine visioning portal that can catch things that the human eye can't, developed in partnership with Georgia Tech. There are a number of different areas in which we are investing in safety.

I am very confident in the NTSB process, which is focused right now on a wheel bearing that failed and noted that the Norfolk Southern crew, the hotbox detectors, and the track were all operating as appropriate. I am not waiting for the full response. You are seeing action right now.

Senator Stabenow. I appreciate that. I think it is probably hard for families and businesses in East Palestine to hear this, though, when if that had been done in response to number 18 in the derailments, or number 15, or number 4, or any of those, we wouldn't have had number 20, which is what is happening to the community right now. My heart goes out to them and what they are having to deal with.

Frankly, having different but similar situations with toxic substances in Michigan and so on, this is going to take a long time for them to be able to recover.

This is number 20. I don't want number 21 in Michigan or any place else, for that matter. We talked a lot about the investments you are looking at making in the community which you need to do, legally, morally, ethically, in every which way.

I also hope you are taking another look at stock buybacks of the future. I know you have done \$6.5 billion already in the last two years and there was \$7.5 billion supposedly coming up. It would be a better use of that money if, in fact, you were investing in aggressive, responsible safety measures and making this community and any other community whole.

Thank you.

Senator Carper. [Presiding.] Thank you, Senator Stabenow.

I have a couple questions. Then Senator Capito is going to ask some questions. Then we will probably go to a closing statement.

Last August, the EPA proposed, this will be a question for Administrator Shore and for Mr. Shaw, for both of you, last August EPA proposed to amend its regulations for the Risk Management Program, as you probably know, which is an important program to help businesses avoid and address hazardous chemical accidents.

EPA's proposed changes would improve the Accident Prevention Program, enhance emergency preparedness and increase public availability of chemical hazard information. The goals of these changes are to improve public awareness, to improve preparedness, and to improve safety.

However, the Association of American Railroads, I am told, of which Norfolk Southern is a member, submitted comments to EPA

expressing concern about the proposed changes. Those comments assert that the safety requirements that EPA proposed would "have limited use."

Let me ask Administrator Shore, can you explain how the Risk Management Program and EPA's recent proposed changes will help protect the health and safety of first responders and the local community? Then I will turn to Mr. Shaw. Administrator Shore, can you explain how the Risk Management Program and EPA's recent proposed changes will help protect the health and safety of first responders and the local community?

Ms. Shore. Thank you, Chairman Carper.

Certainly accident prevention is a top priority at EPA. The Risk Management Program rule has been successful in reducing the frequency of accidental releases at regulated facilities. But as I understand it, it doesn't pertain to rail transport. So there is work we can do there to try to protect first responders who are responding to derailments and releases resulting from rail accidents.

Senator Carper. Mr. Shaw, does Norfolk Southern oppose EPA's proposed changes to the Risk Management Program to enhance our preparedness for chemical accidents?

Mr. Shaw. Senator, I apologize. I am not familiar with that program. I am happy to review the legislation or the program and discuss it with you further.

I have a sincere appreciation for the first responders from Ohio and Pennsylvania, two of whom are on this panel, and West Virginia, who ran to the scene. As a result, we just announced yesterday a regional first responder training center that will support the first responders of Ohio, Pennsylvania, and West Virginia.

Every year we train approximately 5,000 first responders, so we are committed.

Senator Carper. Is that in the States in which you operate?

Mr. Shaw. Yes, sir.

Senator Carper. Okay. Last question, this is really a question for all of you. Mr. Brewer, I will start with you but the question is for all witnesses.

My colleagues, including certainly the Ranking Member, always that in adversity lies opportunity. That is Einstein, a pretty smart guy. Most people remember Einstein for saying the definition of insanity is to do the same thing over and over again and expect a different result. That might be pertinent here today as well.

But I believe that in adversity lies opportunity. That is the way I approach life and the way I think a lot of us approach life.

An environmental tragedy creates, not just tragedy and

heartbreak, real heartache for a lot of people, but it also creates some opportunity for us to examine not only what went wrong on the heels of this derailment but also to look at some of the moments when things went right.

I am going to ask each of you, Mr. Brewer, I want to start with you, to just very briefly speak to something you believe has gone well while working together, across many entities, to navigate in response to this environmental disaster.

Can you give us an example or two of what you thought went particularly well?

Mr. Brewer. Sure. I think relationships we had with everyone up here, and the other responders, was positive. Initially, we had good relationships and good communications, as I said, with the boots on the ground. It may not be that way whenever the boss has gone on scene and I said that. As Mr. Shaw said, training, collaborative training from the railroads, I think something positive will come out of this.

Senator Carper. Good.

Mr. Harrison, the same question. Share with us something you think has gone well and needs to be lifted up.

Mr. Harrison. For ORSANCO, the success of our partnership investment in planning, building the Organic Detection System, training our staff, this was not a unique response. We get several hundred reports of potential spills a year from the

National Response Center.

So we have been doing this for decades. Having the ability to put that in place I think has been very positive and also just to demonstrate how our team, our system, and our partnership works.

Senator Carper. Thank you. Ms. Vogel, same question, please.

Ms. Vogel. Chairman, the Mayor of East Palestine and the Fire Chief have really done just an exceptional job representing their community, protecting their community, and connecting their community with people who can provide scientific answers.

They have done such an incredible job refuting misinformation that is out there and getting people connected with the scientists either at Ohio EPA or U.S. EPA. I do think that is an example of something that has gone very well.

Senator Carper. All right, good. Thank you.

Ms. Shore?

Ms. Shore. Chairman Carper, I think what has been remarkable, though it should be standard, about the response to this disaster in East Palestine is the way local, State, and Federal agencies have worked collaboratively together, that it has not been about politics but about people.

You have seen Democrats standing with Republicans. President Biden was on the phone to Governor DeWine saying,

whatever Federal resources are needed, they will be there for you. He did the same with Governor Shapiro of Pennsylvania.

You saw Administrator Regan standing to announce the Order with Governor DeWine and Governor Shapiro, with Congressman Bill Johnson and Congressman Deluzio, and so many others.

I think the collaboration focused on getting this cleaned up has been quite remarkable.

Senator Carper. Thank you for that.

Mr. Shaw, same question, please.

Mr. Shaw. Thank you for that question, Senator.

I have been really clear that I am focused on the environmental cleanup and helping East Palestine thrive.

The things that have gone really well have been the coordination and the collaboration that we received from the folks at this table. I have made a personal commitment to Secretary Buttigieg, Governor DeWine, Mayor Conaway, Fire Chief Drabick, Governor Shapiro, and Administrator Regan that we are going to do everything it takes.

I have a genuine affection for the folks of East Palestine, which I know several of my peers on this panel do as well. When you walk around town, you are starting to see yard signs pop up. And the yard signs say, "We are East Palestine." It goes on to say, "Welcome to America's greatest comeback story." Senator, I want to make sure that that happens.

Senator Carper. We have a great opportunity here, if we can collaborate and work together, to lift up, not just to lift up, not just to address the immediate problems and crisis, but actually to empower the people of East Palestine and the communities around them, to empower them. I think that is a good thing that can come out of this.

Senator Capito, thanks so much for your work on this.

Senator Capito. Thank you.

In my opening statement I said we need to find out what went right and what went wrong. I really appreciate the comments of what went right.

I am going back to the other side. I am still very disturbed about the communication issue. Because we have seen it already in the panel.

Ms. Vogel said initially there were some, you had the need to refute poor information and there were some communication gaps. Mr. Brewer has said there were some communication gaps at least as far as one car to five cars and maybe some other things. I understand in the haze of what was going on at the very beginning, some of that is going to occur.

Senator Stabenow said she did not know, and her Governor did not know that cars were being brought to Michigan carrying hazardous materials. It seems even though the EPA has to okay where Mr. Shaw and Norfolk Southern take these materials, who is

supposed to do it? Ms. Shore said that Mr. Shaw was supposed to. It seems to me it would be a shared responsibility.

All I am getting back to is if you are sitting here in East Palestine or Beaver County, Pennsylvania, you are seeing this huge pile of hazardous materials and you are smelling it.

I am coming from this as being from the community of Charleston, West Virginia, that had a chemical spill in the early 2000s that everyone told us it was safe to drink but it still smelled. You just lose your trust in what people are telling you. This is what the neighborhoods and the surrounding areas are doing.

When I asked the question, where is this material going, both Ms. Shore and Mr. Shaw said, it is going somewhere but we do not know where. What does that do to trust? I don't know. Are the trucks moving or not? Were they stopped in Michigan or not? Why were they stopped in Michigan?

All these questions. And then the people still living there have to look, smell, and fear.

I think we just need to get to transparency of where this material is going, how long it is going to take it to get out, how deep does it have to go. All these questions that people are asking, because they want this over.

That is what you are trying to do, trying to get it over and make it safe.

So as we go to lessons learned on the communication, I would just hope in the after-report we know is going to be generated that this is really a key part of what everybody looks at from all the different respondents, both from Norfolk Southern all the way to the people right there. Do you know what is burning, do you have the right equipment, do you have the right firefighting equipment, because chemical fires are different than other kinds of fires. I do not need to tell you your business but you know all that.

I am still very concerned about the communication aspects. I know Governor DeWine has been right there, front and center. I want to thank him for that, and you all too. That is my comment.

My question is for Mr. Harrison at ORSANCO. The reason I am interested in this is because that Ohio River feeds a lot of our water systems in West Virginia. What is coming down through there is so critically important. ORSANCO does a great job. I know you did multiple testings.

Why were you uniquely positioned to respond as well as you did? Your information was coming out quickly, your tests were coming out quickly. My understanding is your tests and Ohio's tests were coming out much more quickly than the EPA's tests. Is there truth to that? Why can you come and respond as quickly as this?

Mr. Harrison. Thank you, Senator, for that question and confidence in ORSANCO. I appreciate that.

We have been working to protect the Ohio River as a drinking water and industrial water supply for 75 years. Through our preparations, I have a great team of 22 professionals and our partnerships, we have been doing this for decades.

As we worked with the drinking water utilities, we have a partner, Greater Cincinnati Water Works, that ran companion testing with us. So we had results we could put on our website that went through proper QAQC very quickly. We had the encouragement of Governor DeWine and Director Vogel to get that up as soon as possible so we have been doing that.

We have been able to show a map of where the sampling is occurring, and we have been able to update that as we get new results from Greater Cincinnati Water Works. Then we also have our screening data.

This is something that we prepare for. We work closely with our thirty drinking water utilities, and our State agencies. Although this is certainly a challenge, we respond and work through numerous spills. This is through preparation.

Senator Capito. Does anybody want to comment on the communication tirade I just had? Are there ways to improve that or am I over-exaggerating?

I am just looking at it from the eyes of a homeowner sitting in East Palestine seeing this mess in front of them and trying to figure out, when can I make sure that I can bathe my child in the water and feel it is 100 percent safe.

Do you all have any suggestions on how to make communications better, quicker, faster and more accurate? If you leave a gap, you see what happens in the gap. Ms. Vogel, did you have a suggestion?

Ms. Vogel. Senator, I can comment on one thing that Governor DeWine began doing about two weeks ago, which is putting out a daily email and posting on the website, or a press release. It goes out daily and contains all of the facts you are talking about, to say where exactly the waste is going, how much is going off-site, what sampling data is back, what test results are back, exactly to your point to make sure that we are providing good information on a daily basis.

Senator Capito. Mr. Shaw?

Mr. Shaw. Senator, similarly, we set up a website, nsmakingitright.com, which has very similar information. It also has updates on how to get in touch us, how to reach the Family Assistance Center, and points folks to the EPA website and testing data, and the Ohio EPA testing data.

I am asking for input from the citizens of East Palestine every day on how to make that website better.

Senator Capito. Anybody else? Director Shore?

Ms. Shore. Ranking Member Capito, I just want to add that under the Order, Norfolk Southern submitted a very comprehensive work plan to the unified command late Monday evening. It is being reviewed, and I have asked our team on the ground to issue weekly notices of, here is the work plan for the week; here is what you can expect to be done as residents; here is what you may be seeing, or hearing or smelling, and here is who to call if you have questions.

Going forward, we will have the weekly work plan available so residents in the community know what to expect.

Senator Capito. I guess what I am gleaning from this, and then I will stop, Mr. Chair, is maybe these daily progressions of what is going on, try to start as close to day one as possible so you don't have these gaps in communications, misunderstandings, and all that.

I appreciate all of you coming. Thank you for what you are doing for the great citizens of Ohio and Pennsylvania. We are right in there, right in between. So we appreciate that. Thank you.

Senator Carper. Like you said, Senator Capito, let me say how much I appreciate your work on this. I want to thank your staff. This has been very much a team effort.

I want to also thank the Majority staff as well. One is

sitting to my right, the other is sitting to my left, but they are really a team. I am proud of that teamwork. We are stronger together.

I want to ask a question of Mr. Shaw if I can. My staff just handed me some information about the Norfolk Southern train we heard about just a little bit ago today that derailed in Calhoun County, Alabama. There were 30 train cars in the train. All were empty, fortunately. The local sheriff reported there are no injuries and no property damage. That is a good news-bad news story.

I spent a lot of my life in the Navy and airplanes and thought a lot about safety. My wife worked for Dupont for many years. She was very much involved. It was a safety company, as you may know. She thought a great deal about safety.

I might have this wrong but we had the disaster in East Palestine around February 3rd; we had Springfield, Ohio the beginning of this month; Cleveland, Ohio, where one of your employees' life was lost; and now the incident in Calhoun County.

I understand the National Transportation Safety Board is going to be examining the safety culture of Norfolk Southern. You probably welcome that. If I were in your shoes, I would.

It is more than disconcerting. It is concerning. It is a trend that is troubling to me and my guess is it is troubling to

you as well. I hope that it will get the kind of serious attention it needs.

When I was walking into the hearing, I was asked by the press, as I am sure Senator Capito was, what we hoped to accomplish here. I mentioned I had several questions that I want to see answered.

One of those was, what went wrong? How did this all happen in East Palestine? How did it happen? What went wrong? What are we doing to help the families whose lives have been upended in any number of ways?

The other question that I mentioned coming into the hearing was how can we reduce the likelihood that similar disasters like this will happen again in Ohio, or Pennsylvania, or Delaware, or West Virginia? How can we reduce that?

I have said for everything I do, I know I can do better. Everything I do, I know I can do better. I think that is true of us all. I could go back to the Constitution of our country and the Preamble of the Constitution says, "We the people of the United States in order to form a more perfect Union." It doesn't say to form a perfect Union, it says a more perfect Union.

The expectation all those years ago and still today is for us to do better as we go forward.

I have a printed statement here, I am going to read this as

well, and then and close with one more comment straight from my heart.

In closing, I want to thank our witnesses for your time and testimony today. I want to thank our colleagues who came and testified before us today and those that are working in a bipartisan way on legislation to help address these concerns.

I especially want to thank the Ranking Member for what has truly been a bipartisan hearing. I think folks, people around the Country think we never work together here, we don't accomplish anything, we don't cooperate on anything. They would be pleasantly surprised if they could be in this room with us most of the year. That is the way we work together and we get a lot done.

Today's hearing provided some much-needed answers for the American people to learn more about what happened in the days and weeks after the Norfolk Southern train derailment and subsequent release of chemicals.

We also learned that EPA and its State partners were on the ground within hours and are still there today. We heard from local officials that Norfolk Southern poorly communicated with them initially and that created mistrust in the community, at least initially.

One of the things I am concerned about, I am not a big fan, as I said, Mr. Shaw, of yes or no answers. That is not usually

my style. I didn't think we heard as many unequivocal yeses as I might like to have. We might want to revisit that at another time.

This doesn't help to alleviate the committee's mistrust, but I am relieved to hear the testimony regarding the safety of air and water and the attentiveness of Federal, State and local responders. I hope the community feels they have gotten some answers today.

I will say this again, we stand with the people of East Palestine and surrounding communities. I know I speak for Senator Capito, I commit to hold Norfolk Southern's feet to the fire to make sure this community is made whole.

There is clearly a lot more to discuss with respect to safety for rail and hazardous materials. I expect the Commerce Committee will pursue these questions in the next few days in their own hearing on this topic.

I think it was Bill Gates who once said, "It is fine to celebrate success but it is more important to heed the lessons of failure." It is fine to celebrate the success, but it is also important to heed the lessons of failure.

In this circumstance, I believe we must heed the lessons we learned today about this disaster. American lives and livelihoods depend on that. If we are smart, we will put our differences aside and work together to support the impacted

communities and collaborate on policies that will ensure that an accident like this doesn't happen again.

Before we address that, I need to do a little housekeeping. I ask unanimous consent to submit into the record some materials related to today's hearing that include a letter from the Governor of Pennsylvania, who I talked with over the weekend. I referenced that letter earlier, and articles and also independent analyses related to the accident.

Hearing no objections, so ordered.

[The referenced information follows:]

Senator Carper. Senators are going to be allowed to submit written questions, we call them QFRs, questions for the record, through the close of business on Thursday, March 23rd. We will compile those questions and send them to our witnesses, to all of you, and we will ask to reply by Thursday, April 6th.

The last thing I want to say is my mother was a deeply religious woman. She would drag my sister and me to church in West Virginia, where we were born, drag us to church every Sunday morning, every Sunday night, every Wednesday night, and every Thursday night. She wanted to make sure we understood the difference between right and wrong.

We embraced Matthew 24, the least of these, when I was hungry did you feed me, when I was naked, on and on. She was really big on the Golden Rule. She never used the word default, when you are not sure what to do, default to the Golden Rule. But that is what I do. You can never go wrong.

It is a choice like this, we have to just put ourselves in the shoes of the people in East Palestine and other places around the Country when they are similarly scared and have their lives changed, their livelihoods diminished, and the value of their homes diminished.

We just have to put ourselves in the shoes of those people and do it over and over and over and over again. If we do that,

at the end of the day, we will have done our jobs and actually done the right thing which we talked about here quite a bit.

Last thing, I used the word empower earlier. One of the things I say a whole lot is if you give a person a fish, you feed them for a day. If you teach a person to fish, they can feed themselves for a lifetime.

I always thought that was in the Bible. I have quoted it a million times. I did it about a year ago when I was giving a speech. After it was over, a preacher came up to me and said, Senator, that is not in the Bible. I said, well, it should be, or it ought to be.

In addition to making sure people have a place to live, we clean up the water and everything, the idea of empowering people to help themselves, that is what people want. They want to be empowered. We all have a hand in doing that. I pledge that that is going to be part of our focus on this committee going forward.

To the guy who used to ride the train a lot, Albert Einstein, who used to ride the train a lot in the northeast corridor 100 years ago, again, he did say more than a few times, in adversity lies opportunity. Lots of adversity here, lots of adversity here, but we are not without opportunity as well.

I think with your help and the folks that you represent we are going to come close to realizing that opportunity. If we

do, the people in these communities that have been more than disadvantaged, really subjected to a terrible episode in their lives, but at the end of the day I hope they will say, they must have read the Golden Rule somewhere because they have come through for us.

With that, I already mentioned questions for the record, it is a wrap. We are done. Thank you very much. There is a lot more to be done. Thank you for your participation today.

[Whereupon, at 1:04 p.m., the hearing was adjourned.]