

**GOVERNOR MIKE DEWINE
HEARING TESTIMONY FOR THE RECORD
THE TRAIN DERAILMENT IN EAST PALESTINE, OHIO
U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
DELIVERED VIA ZOOM FROM EAST PALESTINE HIGH SCHOOL
MARCH 23, 2023**

Chairwoman Cantwell, Ranking Member Cruz, and Members of the Committee -- Thank you for holding this very important hearing this morning and for the opportunity to testify remotely from East Palestine High School.

East Palestine is a village of just over 4,700 people. The New Year started off normally for the people of East Palestine. They had just enjoyed Christmas and the annual Snowflake Festival in December. The 3rd quarter of school started in late January, parts had been cast for the Spring high school musical -- The Lion King Jr. -- and Assistant Principal and Athletic Director Dwayne Pavkovich, was preparing to host 25 to 30 teams for the Bulldog Invitational Track Meet that occurs every year in April.

The evening of February 3rd, 2023, started off not unlike a lot of Friday nights in East Palestine. Parents and members of the community were gathered at the high school, cheering on the varsity boys basketball team at the Bulldogs home game against the United High School Eagles from nearby Hanoverton.

The girls varsity team had played against the Eagles just the night before.

The backdrop to all things in East Palestine is the near constant rumble of trains running through the village. But, the people of East Palestine are used to this. Many don't even notice them anymore.

That was until 8:55pm that Friday night. Life stopped being normal for everyone in this community -- it stopped feeling safe -- when 38 cars of that Norfolk Southern freight train, carrying hundreds of thousands of pounds of hazardous materials, hurtled off the track.

In an instant, life turned upside down.

In the six-and-a-half weeks since the derailment, I have visited East Palestine a number of times and have had mothers tell me they are afraid to let their children play in the grass in their yards. They want to know when it will be safe or if it ever will be safe.

Some have told me about their bloody noses and rashes and coughs they have developed, while others, who don't have symptoms now, ask what is going to happen to them in 10 or 15 years?

A young mother worries about what is going to happen to her 15-month-old baby?

Some want to know if it is safe to plant a garden this Spring. Is it ok to till the soil or will that disturb toxins in the dirt? If they do plant a garden, will the vegetables be safe to eat? Local farmers are wondering about their winter wheat crops and if they will be able to sell to anyone come June when it is harvested.

People in the community worry about the valuation of their properties. Will they ever be able to sell their homes?

Will their small businesses stay afloat?

Many just wonder: How are we going to return to normal?

What is clear for all of East Palestine is that this has been a deeply traumatic experience for the entire community. But, while all the tests of the air and the soil and the water have shown repeatedly that things are safe, fear remains.

What the people of East Palestine have told me is that they want their community back. They want things to be back to the way they were before the train wreck.

Members of the Committee, Norfolk Southern has an obligation to restore this community. I will continue to do everything in my power to hold Norfolk Southern accountable. This was their train, their tracks, and they are responsible for this tragedy.

In addition to the full cleanup and restoration of East Palestine, the railroad must do all it can to prevent similar derailments in the future and invest significantly in improving rail safety around the country.

It is my commitment that the State of Ohio will not abandon East Palestine. Our state agencies arrived at the scene almost immediately -- and we remain there today.

Less than an hour after the train derailed, the East Palestine Police Department requested the assistance of our Ohio Highway Patrol. Our troopers in the area responded immediately, followed less than an hour later by Patrol units from a seven-county area. They quickly began going door-to-door with local police and Sheriff Deputies to check on residents and notify them of the one-mile evacuation zone.

By 10:30pm, the Columbiana County Emergency Management Agency (EMA) notified the Ohio EMA, who then began to monitor the situation and dispatched regional coordinators to East Palestine. Throughout the night and all day Saturday and Sunday, the Ohio Highway Patrol had a Sergeant embedded in the local incident command center.

Shortly after midnight at 12:25am on Saturday, February 4th, the Ohio Environmental Protection Agency (EPA) Emergency Response arrived on scene and immediately began containing the chemicals that had already spilled into the nearby creek. The U.S. EPA responded shortly thereafter and began monitoring the air.

Initial reports were that nobody was injured, there was no significant property damage, and that the local first responders had the situation under control. They had decided that they were going to contain the fire, and let it burn itself out.

But by late Sunday afternoon, February 5th, the situation significantly changed as the experts monitoring the train car noticed a sharp rise in the temperature of the chemicals in one of the derailed tankers. By Sunday evening, there was serious concern about the potential explosion of one of the rail cars containing vinyl chloride.

Upon learning this, I immediately sent my Director of the Department of Public Safety, Andy Wilson, to East Palestine to assist with the coordination of state emergency response. I also activated the Ohio National Guard and ordered the Ohio Highway Patrol to help with evacuations and knock on every door in the evacuation zone. By 8:28pm, an evacuation notice went out.

Throughout the night, Troopers went house by house through the evacuation zone alerting every person who remained that the situation had changed, it was extremely dangerous, and that they should leave immediately. Over the course of the emergency, public safety and emergency responders knocked on the doors in the danger zone on four separate occasions in an attempt to ensure the safety of the people residing there.

When the Ohio EPA officials initially arrived at the scene, they quickly determined that the wells supplying the Village's water were upstream of the derailment, and therefore, should be unaffected by the chemicals spilled in the derailment. In the days and weeks following, the Ohio EPA implemented a rigorous plan for testing the creeks. We know the creeks are contaminated, but we are excited to see the return of aquatic life which indicates that the waterways are recovering.

Team members from the Ohio Department of Natural Resources (ODNR) arrived on scene within 24 hours of the derailment to begin surveying the impact on aquatic life and other wildlife in the area. As I indicated, it was clear that chemicals from the derailment had entered nearby waterways, significantly contaminating Sulphur Run and Leslie Run. Our ODNR team immediately began working with independent contractors to set up four separate survey locations where impacted aquatic life were identified, counted, and measured.

Also within those first 24 hours, Ohio Department of Health (ODH) staff engaged with U.S. EPA and federal partners to review and provide guidance on proposed community air monitoring values for the health and safety of residents. ODH senior leadership contacted the Columbiana County health commissioner to get an on the ground report and to offer any needed assistance.

In the days following the derailment, it also became clear that the people of East Palestine were very concerned about the short-term and long-term effects on their health. I instructed my Department of Health Director, Dr. Bruce Vanderhoff, and his team to work with local health providers, the local health district, faith-based organizations, and community leaders to open a clinic, where members of the East Palestine community could have individualized and

comprehensive medical evaluation informed by the best state and national experts. In addition to physicians and nurses, the clinic has also offered behavioral health services on site.

Further, they have coordinated with that patient's own primary care physician, if they have one, and have worked to establish a medical home for them if they did not. The importance of linking each patient back to their medical home or helping them establish a medical home is essential as part of a continuing journey to support each patient's best health over the years to come.

The interest in the clinic has exceeded our expectations. To date, more than 275 patients have been seen, and while many have medical homes or have been established new medical homes, some have expressed interest in continuing with our clinic. To meet those needs, we will be establishing this clinic as a new primary care practice in the East Palestine community to better meet the comprehensive healthcare needs of the community. This is a long-term commitment to the health and vitality of the people in the East Palestine region.

The State of Ohio's response was fast and nimble. But much more remains to be done.

The community of East Palestine is not unique. There are thousands of villages all over America just like it. Much of the Midwest and the West was built around railroads. Communities grew up where the railroads went.

At least 1,000 train derailments happen each year across this country. The next train derailment could be 10 times worse. The next derailment could be in your state.

No other community should ever have to go through this. And so, there must be a great sense of urgency to make our railways safer. As you know, federal law and regulations have preempted state authority in almost all areas of railroad safety and security. So, I called on Congress to take strong and quick action.

I want to again thank Chairwoman Cantwell and Ranking Member Cruz for holding this hearing today. I also want to thank Chairman Carper and Ranking Member Capito of the Environment and Public Works Committee for the hearing they held two weeks ago. I understand that Congressman Johnson is holding a hearing next week and that Ohio EPA Director Vogel will be testifying before his subcommittee.

I want to thank Senators Vance, Brown, Casey, Fetterman, Hawley, and Rubio for their bill -- S. 576 -- the Rail Safety Act of 2023. And, thank you to Congressman Johnson and Congresswoman Sykes for their bill -- H.R. 844 -- the Rail Act, and the nine additional members of the Ohio Congressional Delegation who support this bill.

I agree with the changes in the law proposed in both bills and understand that they are very similar, with only a few differences. What I learned following the derailment in East Palestine is that our state emergency management personnel are not informed when hazardous materials are transported by rail unless a train meets the very specific definition of a "high hazard" train. We don't truly know how much hazardous material is transported on Ohio railways every day, month, or year.

I thank the drafters for responding to my request to include a provision requiring rail carriers to provide advance notification and information to state emergency response officials about what they are transporting and for including new safety requirements and procedures for trains carrying hazardous materials, such as vinyl chloride.

I urge the Senate and the House to swiftly act to effect meaningful change and improve the safety of our railroads.