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REQUEST FOR PRESIDENTIAL DISASTER DECLARATION COVER LETTER MAJOR DISASTER OR EMERGENCY

July 3, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Through: Regional Administrator Thomas C. Sivak
FEMA Region RV
Chicago, Illinois 60605

Dear President Biden:

On March 7, 2023, the State of Ohio was granted an extension until July 3, 2023 to request a Major Presidential Disaster Declaration relating to the train derailment and release of hazardous chemicals that occurred in East Palestine, Ohio from February 3, 2023 through February 6, 2023. On June 13, 2023, the State of Ohio requested additional time from the Federal Emergency Management Agency (FEMA) to request a Major Presidential Disaster Declaration, as the State continues to evaluate long term needs. This request was denied by FEMA on June 29, 2023.

Currently, no unmet needs have been reported to the State. However, this is due to the voluntary actions of Norfolk Southern. The possibility remains that the voluntary support provided by Norfolk Southern could at some point in the future cease, and this Declaration is needed to ensure that the State and Federal government use all resources available to step in and provide the community with needed assistance. Therefore, under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR §206.36, I request that you declare a major disaster for the State of Ohio as a result of the unprecedented train derailment and release of hazardous chemicals in East Palestine, Ohio on February 3, 2023.

Summary of Disaster

On Friday, February 3, 2023, a Norfolk Southern train carrying hazardous materials derailed in the Village of East Palestine. This resulted in a major fire with the Village's fire department and several other fire departments responding under mutual aid. On the evening of February 5, 2023, responders observed a drastic temperature change in a derailed car. Responders expressed serious concern that the increase in temperature could lead to a catastrophic tanker failure which could cause an explosion with the potential of deadly shrapnel traveling up to one mile. It was ultimately determined by the Unified Command Group that the safest course of action was to conduct a controlled release of the chemicals in order to avoid the dangers of explosion.

Local officials sent an urgent warning to those living within one-mile of the derailment, encouraging residents to evacuate immediately. Throughout the night and into February 6, 2023, local officials, and the Ohio State Highway Patrol went door to door urging residents to evacuate. The Ohio Department of Transportation blocked roads to assist in keeping the evacuated area closed to traffic.

As officials monitored the fire and worked to safely evacuate residents, representatives from both the federal and the state EPAs arrived on scene to begin testing air and water quality, and employees from the Ohio Department of Natural Resources arrived on scene to assist in the evacuation efforts already underway.

The controlled release started around 4:30 p.m. local time and lasted for approximately two hours. After conducting testing of the air and water around the crash site and the surrounding area, residents were told they could return home on February 8, 2023. Clean-up of the site continues to this date. Further, residents continue to report medical conditions and are concerned that the air and water were impacted by the chemicals released during this incident. This derailment and the subsequent controlled release were extraordinary events that continue to garner national media coverage.

Implementation of State Emergency Operations Plan

Upon receiving notification of the incident on the evening of February 3, 2023, Ohio EMA implemented its information sharing framework with both internal and external stakeholders. Reporting at this time was informed by the Columbiana County EMA, Ohio EMA, the Ohio EPA, and the Ohio State Highway Patrol.

On Monday February 6, 2023, the State of Ohio transitioned from assessment and monitoring to partial activation of the State's Emergency Operation Center ahead of the planned controlled release of chemicals in four railcars to avoid the catastrophic explosion. The State EOC remained at partial activation until the evening of February 8, 2023, when the evacuation order was lifted, and East Palestine residents returned to their homes. At this time the EOC moved back to assessment and monitoring. During this time and continuing through March the State's Joint Information Center was actively pushing out information to the public and responding to inquiries from both local and national news outlets. The Unified Command Group continues to meet regularly to assess and address individual and community needs, many of which are still unknown.

State and Local resources that have been and will continue to be committed to alleviating impacts.

East Palestine is a small rural Appalachian community. In addition to police and fire support that were provided during the initial response, the Ohio State Highway Patrol provided public information resources and services to the Village's Mayor through much of February and March to assist him in dealing with the national attention that was focused on this community. As tensions rose in the Village in the weeks and months after the incident, the State Highway Patrol provided additional security at public events and round tables. The Ohio EPA and Ohio Department of Natural Resources have both committed resources and personnel to air and water quality testing, as well as clean-up efforts in East Palestine.

Because of the unique nature of this incident the State is still working to identify current needs and evaluate the future impacts this disaster will have on individuals and the community. The incident had immediate physical and mental health effects on the community, and the Ohio Department of Health engaged with the Department of Health and Human Services to establish a clinic in the community. However, the long-term health impacts are unknown. In addition to the physical and mental health impacts, there have been economic impacts. Homeowners and business have seen property value decline and loss of business as people are hesitant to come into the community.

Finally, while Norfolk Southern has willingly stepped in to provide much needed assistance to the community, this assistance is not guaranteed moving forward and could terminate for a variety of reasons. For example, if Norfolk Southern is found to not be liable for the damages in East Palestine or new leadership may take over the management of Norfolk Southern and decide to terminate assistance. Should these events or others occur, it will be the responsibility of the state and local government to step in and provide aid.

Disaster History

Under DR-4360, Ohio EMA has administered 9.3 million dollars in public assistance, and continues to disburse the 25% match for DR 4360 and 4424.

Request for Major Disaster Declaration

For the reasons outlined above, I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments, and that supplementary federal assistance is necessary. I specifically request a Major Disaster Declaration for the Public Assistance Program, all categories, the Individual Assistance Program for Columbiana County, and the Village of East Palestine, and I also request the Hazard Mitigation Grant Program statewide. In accordance with 42 USC 5170(a) and 44 CRF 206.36 (c)(5) I certify that the State will comply with all applicable cost-sharing requirements associated with the Public Assistance and Individual Assistance Program.

Very respectfully yours,



Mike DeWine
Governor

Enclosures

OMB No. 1660-0009/FEMA Form 010-0-13