

## **APPENDIX A**

### **PUBLIC COMMENTS**

#### **PART 4 OF 4**

**ALL PERSONALLY IDENTIFYABLE INFORMATION  
OF PRIVATE CITIZENS, EXCEPT ACTING IN A  
PROFESSIONAL CAPACITY, HAS BEEN  
REDACTED IN ACCORDANCE WITH LR 8.1(a)**

# Comment A-123

## Part 3

NTSB begins hearing on East Palestine, Ohio, train derailment | AP News <https://apnews.com/article/norfolk-southern-train-derailment-ntsb-east-p...>

Oxy Vinyls experts testified at earlier NTSB hearings they were certain a feared chemical reaction that could have caused those tank cars to explode wasn't happening. Oxy Vinyls didn't immediately respond to a request for comment Tuesday.

East Palestine resident Jami Wallace said it was striking to hear investigators say officially that the vent and burn wasn't necessary.

"To hear that they purposely and premeditated the poisoning of thousands of people, of my daughter, my husband, my mom, my dad, my nieces, my nephews, everyone I ever knew or loved," Wallace said. "How are they allowed to do that and get away with it?"

Ohio's governor, first responders and the hazardous materials experts who made that decision have said the information they had made them believe an explosion was likely imminent, making the burn the best option despite the risks of unleashing cancer-causing dioxins in the area.

NTSB staff recommended Tuesday that new guidance be developed for deciding when first responders use the vent and burn tactic and that federal standards should be developed for trackside detectors. They also recommended that the Federal Railroad Administration establish rules governing trackside detectors and railroad responses to bearing failure alarms.

At the time of the East Palestine derailment, only one person in Atlanta was monitoring alerts for Norfolk Southern and doing so from home. That person didn't see the Salem alert about the elevated bearing temperature, but under the railroad's rules, no action would have been taken because there was only one elevated reading.

Homendy said the analyst that night said he did not get formal lunch or bathroom breaks, but numerous times would run to get his lunch and quickly return to monitoring. She said that's "certainly not a way to run a railroad."

NTSB begins hearing on East Palestine, Ohio, train derailment | AP News <https://apnews.com/article/norfolk-southern-train-derailment-ntsb-east-p...>

Norfolk Southern has since put two people on duty and is trying for three, NTSB investigators said.

The company also [announced last week](#) that it will lead an industrywide examination of how to improve the way vent and burn decisions are made in future derailments. That was part of its [settlement with the federal government](#).

Though NTSB recommendations aren't binding, Congress may be willing to enforce some of them because of the crash's spotlight on rail safety.

More than a year ago, a bipartisan group of lawmakers led by Ohio's two senators [proposed a package](#) of reforms including requiring two-person crews and setting standards for the inspections and detectors that help prevent derailments. The [bill ultimately stalled](#) in the U.S. Senate under resistance from Republicans and the railroads. GOP House leaders have said they didn't want to consider new rail safety regulations until after the [final](#) NTSB report was released.

With limited success, federal regulators also pushed for the railroads to make changes like signing onto an [anonymous government hotline](#) to report safety concerns. The industry responded to the crash by promising to install more trackside detectors, review the way they are used and help [first](#) responders improve their handling of derailments with more training and better access to information about the cargo.

Norfolk Southern CEO Alan Shaw pledged to "make things right" in East Palestine with more than \$100 million in aid to residents and the community. [Shaw](#) also hired a consultant from the nuclear power industry to recommend changes and tried to work with labor. Still, critics said Norfolk Southern was too often [satisfied](#) in the past with doing only the minimum required for safety and workers reported no big changes in day-to-day operations.

After the derailment, all the major freight railroads pledged work to [improve safety](#) by adding hundreds more trackside sensors to help spot problems like overheating bearings and by re-evaluating how they analyze the data from those detectors. The Association of American Railroads trade group said the industry will review the NTSB report and look for additional ways to improve safety.

Federal [officials](#) [finalized a new rule Monday](#) that will require railroads to inform [first](#) responders about what is on a train immediately after a derailment — something that was lacking during the East Palestine derailment. The industry says more than two million [first](#) responders now have immediate access to that information via an AskRail app that allows them to look up any train's cargo.

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Funk contributed to this story from Omaha, Nebraska, and Krisher from Detroit.





## NTSB: Norfolk Southern tried to bully Ohio derailment investigators

- NTSB hearing to focus on why train derailed, why chemicals were released
- 'It should never have occurred. It was 100% preventable': NTSB chair
- Residents seek answers about their homes, vinyl chloride findings, health



Rich McHugh

Updated: Jun 26, 2024 / 06:22 AM CDT

EAST PALESTINE, Ohio ([NewsNation](#)) — The National Transportation Safety Board found that Norfolk Southern failed to disclose critical information after a train derailment that upended the lives of those in East Palestine, Ohio.

The NTSB held its final meeting at East Palestine High School to discuss why the train derailed and address the release of toxic chemicals into the atmosphere. It's also expected to address recommendations to prevent future disasters.

The board found that an overheated wheel bearing caused the derailment and that the controlled vent and burn that released toxic chemicals into the air, soil and water was unnecessary.

The NTSB said that Norfolk Southern had withheld important safety information from first responders who were tasked with figuring out how to deal with the derailed train that included freight cars full of potentially dangerous chemicals.

The agency also said executives from Norfolk Southern attempted to pressure investigators into changing the findings and issued scathing comments on unattended sensors that should have detected the overheated bearing.

A list of safety recommendations proposed by the NTSB included more training for volunteer firefighters, better guidance for venting and burning toxic chemicals and federal rules and standards for trackside detectors and how railway companies respond to alerts.

Residents claim they're losing their health and homes while Norfolk Southern faces minimal consequences.

NTSB Chair Jennifer Homendy hosted the meeting, opening with an apology to the East Palestine community on behalf of NTSB.

"The absence of a fatality or injury does not mean the presence of safety," Homendy said.

Michael Graham, a board member who was on the scene after the derailment, said the NTSB's work would not end after it makes recommendations to prevent future derailments.

"We will continue to pursue and advocate for these safety recommendations until each one is implemented," he said.

The NTSB's [final report](#) on the derailment won't be published for several weeks; however, the agency said it will [release](#) an executive summary after Tuesday's meeting. It follows new data that shows [16 states across the country](#) were impacted by fumes burned in the small Ohio town.

## Trackside sensor didn't catch burning rail bearing

The NTSB made the announcement during its final meeting at East Palestine High School while discussing why the train derailed and addressed the release of toxic chemicals into the atmosphere.

The [NTSB said](#) early on that an overheated bearing on one of the railcars that was not caught in time by trackside sensors likely caused the crash. [Investigative hearings](#) have since highlighted other possible contributors including [widespread rail job cuts and rushed inspections](#). Investigators also delved into why officials chose to [deliberately blow open](#) the vinyl chloride cars and burn what is a key ingredient for making PVC pipes.

On Tuesday, NTSB board members confirmed that a trackside detector in Salem, Ohio, failed to accurately detect the overheated rail car bearing that was on fire some 20 miles before the fiery train derailment in East Palestine last year. They further said that firefighters didn't get the details of what was on the train for more than an hour after the derailment.





Board members said there are no standards for how railroads should respond to bearing failure alarms. The NTSB staff said they would recommend that the Federal Railroad Administration establish rules governing railroad responses to the alarms. Though NTSB recommendations aren't binding, Congress may be willing to enforce some of them because of the spotlight cast on rail safety by the crash.

### **'It should never have occurred': NTSB chair**

Dozens of freight cars derailed Feb. 3, 2023, on the outskirts of East Palestine near the Pennsylvania border, including 11 carrying hazardous materials. Residents evacuated as fears grew about a potential explosion, and officials intentionally released and burned toxic vinyl chloride from five rail cars, sending flames and black smoke into the air despite the potential health effects.

NewsNation's chief investigative reporter [Rich McHugh](#) asked Homendy if the venting and burning of tanker cars after the crash was necessary



"That's going to be answered (Tuesday)," Homendy said.

When asked about her biggest concern after spending a year and a half investigating the incident, Homendy said, "It should never have occurred. I said this from day one. It was 100% preventable. It was 100% preventable. It should never have occurred in the first place."

## **Residents still seeking answers**

Homendy held a community meeting for residents Monday, where they thanked her and the NTSB for its investigation. However, they emphasized that the NTSB couldn't help the community with some of their biggest concerns.

Residents claim they're losing their health and homes while Norfolk Southern faces minimal consequences.

The community is desperately seeking answers regarding their homes, new vinyl chloride findings in town, lack of health care access and the proposed [civil class-action lawsuit](#) against Norfolk Southern, with the signing deadline just a week away, among other issues.

"This is not just an East Palestine issue; you see 16 states. Not only should people be concerned because it spread to 16 states, but that it happened at all. This could have been any American's backyard that this happened in and they'd be treating you the same way," said East Palestine resident Jami Wallace.

*The Associated Press contributed to this story.*

[Ohio Train Derailment](#)

# EXHIBIT 60





Written on behalf of the Unity Council of East Palestine

#### MEDICARE COVERAGE FOR INDIVIDUALS EXPOSED TO ENVIRONMENTAL HEALTH HAZARDS

Section 1881A of the Social Security Act, Section 3A states that individuals exposed to environmental health hazards are “entitled to benefits under the program under Part A as of the date of such deeming, and (B) eligible to enroll in the program under Part B beginning with the month in which such deeming occur.”

In 2009, Libby, Montana was granted 1881A per airborne asbestos from a vermiculite mine; however, despite people continually becoming sick per environmental disaster across the country (per contaminated water, toxin-filled air, fracking, pipelines, gaseous emissions and more), 1881A has yet to be implemented again.

Residents in and around East Palestine, including young children, have been suffering tremendously since February 3, 2023 and close to 6 months later, their suffering has been heightened. Through no fault of their own, they are being forced to endure medical effects including, but not limited to: painful and itchy skin rashes, lesions, and sores, burning and redness of the eyes, respiratory issues; cough, nausea, loss of taste, nose bleeds, severe migraines, P.T.S.D., anxiety, and depression; rectal bleeding, hemorrhaging, and abnormal, painful menstruation.

The residents of East Palestine were told they would have a free medical clinic, yet for months, it had no specialists, only the bare minimum PCP's, with no knowledge of how to treat their symptoms. . The residents were shamed, talked about, and insulted each time they went to the clinic for help. Many residents have tested positive for vinyl chloride, yet only know the results because they've been forced to pay \$700 out of pocket for them.

Over 30 Million Americans are uninsured, with millions more being under-insured. Around 70,000 Americans die every year from lack of healthcare. 1 in 4 Americans have medical debt. People continue to be punished for being sick.

Many residents in and around East Palestine have lost their homes, survive solely on donations, and still bathe in bottled water. They have been put in the hostage situation of living in a hotel, or becoming even sicker. The local, state, and federal government has deemed them expendable in the most inhumane of ways.

When there is a natural disaster, our country springs into action, yet when a multibillion dollar corporation is responsible for the extreme turmoil, we, the people are disregarded and maligned. Medical ailments of those in and around East Palestine are being exacerbated by the day. Their diagnosis' will become more severe throughout the years to come, as well as those ailments which have yet to be diagnosed.

The residents in and around East Palestine DEMAND 1881A of the Social Security Act be immediately and retroactively enacted for all individuals within no less than 45 miles of the train derailment.



Furthermore, we DEMAND President Biden sign the declaration of disaster he was presented with on July 3, yet has neglected to sign.

This is your legacy.

Sincerely,

[REDACTED]

On behalf of the Unity Council of East Palestine

# EXHIBIT 61

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whistleblower.org



GOVERNMENT  
ACCOUNTABILITY  
PROJECT

Jalonne L. White-Newsome  
White House Council on Environmental Quality  
730 Jackson Place Northwest  
Washington, D.C. 20503

Jonathan Black  
White House Council on Environmental Quality  
730 Jackson Place Northwest  
Washington, D.C. 20503

Dear Senior Director White-Newsome and Senior Director Black,

The Government Accountability Project has been investigating concerns by whistleblowers, scientists and residents about gut-wrenching, ongoing public health tragedies from the Norfolk Southern accident in East Palestine. One of the local activists teaming up with us is Jami Wallace, whom you were kind enough to receive two weeks ago. We think it is essential that the President meet with residents who have the most honest insights on the accident's consequences, and what went wrong. To put it mildly, trust in the Environmental Protection Agency has been lost. That creates a real opportunity for presidential leadership, however, by making those in the community who have suffered feel heard.

The attached briefing packet illustrates what the President needs to know and may not hear from conventional sources. While there are many citizen representatives, the packet includes the lessons learned from community members we believe have the most to contribute. Government Accountability Project's Legal Director, Tom Devine, will follow through to see if you have any questions and if it will be possible for the citizen whistleblowers, we worked with, to have an audience with the President.

Thank you for considering,

Lesley Pacey  
Environmental Investigator  
Government Accountability Project  
[www.whistleblower.org](http://www.whistleblower.org)  
[Lesleyp@whistleblower.org](mailto:Lesleyp@whistleblower.org)

CC: Brenda Mallory, Chair, White House Council on Environmental Quality

Jami Rae Wallace, President, Unity Council for East Palestine

President Joe Biden

1600 Pennsylvania Avenue, N.W.

Washington, DC 20500

Dear President Biden,

In advance of your trip to East Palestine, Ohio, the Government Accountability Project implores you to declare a federal Disaster Declaration for East Palestine and impacted surrounding communities in light of ongoing, persistent health threats since the February 3 derailment and Feb. 6 detonation of vinyl chloride and other toxic chemicals.

In July, Ohio Governor Mike DeWine requested that you issue a Major Presidential Disaster Declaration to ensure state and federal governments use all resources available to provide impacted residents with needed assistance. The people of East Palestine are still waiting.

Since the Government Accountability Project launched its investigation into the East Palestine, Ohio disaster and response, we have interviewed multiple resident witnesses, scientists, chemical industry insiders and whistleblowers whose experiences and expertise – and independent testing - sharply contrasts the narrative of Norfolk Southern and the Environmental Protection Agency.

Unfortunately, the EPA has refused to test residents' homes or lawns and gardens for dioxins and only sampled a fraction of the more than 100 other dangerous compounds that were formed by the burning. The EPA also has refused to acknowledge that more than 10 prestigious universities and prominent toxicologists and medical doctors have raised urgent concerns about the threat of dioxins and other dangerous compounds in East Palestine.

Early on and over the course of the last year, EPA declared the air, water, soil, and garden produce in East Palestine safe from contaminants spilled and ignited during the train derailment February 3 which resulted in the unnecessary detonation February 6 of five vinyl chloride train



cars. The decision, which may have violated the EPA's own open burn statutes<sup>1</sup>, created a billowing black chemical plume so massive that it was visible from space.<sup>2</sup>

The disaster also unleashed a health crisis on the ground that largely has been ignored by the EPA and federal public health agencies.

The tragedy in East Palestine is unlike any chemical disaster this country has experienced in at least a generation. It is one of many such disasters, but it is unprecedented in the scope and the complexity of the chemicals involved. We believe the response to the disaster – although deemed a successful remediation by the EPA – sinks to a new low in terms of federal agency failures to protect the public from health harm.

Our investigation revealed that the EPA<sup>3</sup>, and other federal agencies including the Centers for Disease Control and the Federal Emergency Management Agency, not only have failed East Palestine and other communities impacted by the toxic fallout from the disaster but have reflected a series of dangerous decisions from the onset. Those mistakes sickened residents and released dioxins, the most toxic compounds known to man, as well as a plethora of new public health threats from a synergy of chemical combinations not fully understood by scientists.<sup>4 5</sup>

The February 6 burn of the vinyl chloride cars made a toxic event exponentially more life threatening for residents of East Palestine and beyond, said Dr. George Thompson, a toxicologist

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<sup>1</sup> Carolyn Hoskinson, "Open Burning and Open Detonation (OB/OD) of Waste Explosives Under the Resource Conservation and Recovery Act (ACRA)," United States Environmental Protection Agency. June 7, 2022. [https://www.epa.gov/system/files/documents/2022-06/OBOD\\_Policy\\_Memo\\_signed\\_6.7.22\\_508.pdf](https://www.epa.gov/system/files/documents/2022-06/OBOD_Policy_Memo_signed_6.7.22_508.pdf). Washington, District of Columbia.

<sup>2</sup> Rick Schindler, "Airplane passenger photo shows size of smoke plume after train derailment in Ohio," WorldTimeToday. February 16, 2023. <https://worldtimetodays.com/airplane-passenger-photo-shows-size-of-smoke-plume-after-train-derailment-in-ohio/>. East Palestine, Ohio.

<sup>3</sup> Lesley Pacey, "East Palestine Investigation: Dangerous decisions and disinformation," Government Accountability Project. February 3, 2024. <https://whistleblower.org/wp-content/uploads/2024/02/East-Palestine-GAP-Power-Point-revised.pdf>. East Palestine, Ohio.

<sup>4</sup> WaterWarriorOne Fighting for Solutions & Truth, "Scott Smith Presentation: East Palestine OH EPA Deception and Updated Testing Results 2-3-23," YouTube, accessed February 13, 2024. <https://www.youtube.com/watch?v=ggzn55UYvKw>; Savage Joy Marie Mann, "Lesley Pacey | East Palestine Investigation: Dangerous Decisions and Disinformation | February 3, 2023," YouTube, accessed February 13, 2024. <https://www.youtube.com/watch?v=6cdDsynwd9M>

<sup>5</sup> Chris D'Angelo, "A Roll of the Dice: The Unknown Threat of Exposure to Chemical Mixtures," Huffington Post. November 25, 2023. [https://www.huffpost.com/entry/chemical-mixtures-toxicity-unknown-risk\\_n\\_655c9232e4b0662eb43b7c71](https://www.huffpost.com/entry/chemical-mixtures-toxicity-unknown-risk_n_655c9232e4b0662eb43b7c71). East Palestine, Ohio.

with 50 years' experience.<sup>6</sup> He told Government Accountability Project that he came out of retirement to analyze the disaster's potential impact on human health. His findings keep him up at night.

"My independent expert analyses of the chemicals in the railcars, and their subsequent fire, following the train derailment in East Palestine Ohio identified over 100 highly toxic chemicals that have the potential to result in long-term medical injuries and environmental contamination," Thompson said. "Because of the downwind atmospheric dispersion of the smoke-plume hazardous products, the potential for farmland contamination and surface water pollution, the long-term human health effects from this accident may be worse than occurred from 9/11. The fire potentially released 3,000-6,000 tons of highly toxic soot, ash, and hazardous chemicals into a massive smoke and mushroom cloud that slowly dissipated hundreds of miles beyond the derailment area contaminating gardens, farmland, animals, and communities in perhaps 5, or more, different states."

### **A Series of Dangerous Decisions**

Furthermore, a growing number of scientists and dioxin experts agree the disaster and the missteps that ensued will undoubtedly result in a legacy of chemically induced illness and premature death for years to come – a legacy that spans far beyond East Palestine borders.

A few of the most dangerous decisions include:

- lifting the evacuation too early with scant air quality data from mostly upwind monitoring stations that did not measure dioxins.
- testing only two homes for VOCs and SVOCs before the two-day evacuation was lifted.
- relying on the railroad's consultants to present "independent" testing data, in a clear conflict of interest to decide environmental and public health determinations.<sup>7</sup>
- waiting a month to consult with their own EPA dioxin experts.
- refusing to order Norfolk Southern to test for dioxins in East Palestine until March 3 – and then doing so only due to "community concerns."

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<sup>6</sup> George R. Thompson, Ph.D., " 'Independent Toxicology Expert: 'I Predict East Palestine OH Train Derailment Chemical Release Deaths May Become Worse Than 9/11.' " 2024.

<sup>7</sup>Roxana Saberi, " 'East Palestine, Ohio, residents still suffering health issues a year after derailment: "We are all going to be statistics' " *CBS News*, February 6 2024, <https://www.cbsnews.com/news/east-palestine-ohio-train-derailment-residents-health-issues-norfolk-southern/>



- burying nearly 1,500 pages of documents on its own website that showed the EPA had already ordered Norfolk Southern to test for dioxins as part of its waste characterization plan as early as February 9, at the same time it was publicly contradicting its own data.<sup>8</sup>
- finding dioxin levels as early as February 17 at the derailment site that showed total dioxin levels as high as 19 times above the EPA action levels that trigger more testing – all the while telling the public that dioxin was not a concern in East Palestine<sup>9</sup>
- failing to create an environmental health monitoring program and free health care for impacted communities
- failing to address and study the extent of the dioxin contamination outside of East Palestine in towns and communities impacted by the toxic plume
- delaying a National Disaster Declaration that could provide residents with the financial means to permanently relocate out of harm's way

Government Accountability Project has become convinced that only your leadership can end an environmental and human health coverup by federal agencies who have protected the financial interests of Norfolk Southern, rather than the public.

**This is not a legacy you want for the Biden presidency.**

The EPA's lackluster response to the disaster has baffled dioxin experts and toxicologists, because it has downplayed the need for dioxin testing and relied almost exclusively on Norfolk Southern contractors with checkered pasts and indefensible testing methodologies to declare the area safe.<sup>10</sup>

The testing program also targeted too few chemicals and the wrong chemicals, said East Palestine resident [REDACTED] who has professional expertise. He recounted that at a public meeting EPA's On-Scene Coordinator Mark Durno, the EPA Region 5 Homeland Security Coordinator, said the testing only checked for eight chemicals. But [REDACTED] has pointed to scientific estimates of 100 toxic chemicals released during the spill that seriously threaten public health, and many new combinations whose levels also needed to be identified. The EPA's small list included irrelevant chemicals that weren't on the railroad cars, he told Government Accountability Project. Perhaps most significant, he said, was the EPA's refusal to do the testing necessary for Superfund status and relief. That requires indoor air monitoring samples, which EPA refused to conduct after the initial samples from his home several other homes, [REDACTED] said.

<sup>[2]</sup> ["Over 1,500 Pages of East Palestine Dioxin-Related Testing Found Buried on EPA Website - Government Accountability Project, Government Accountability Project, February 1 2024, whistleblower.org/press-release/over-1500-pages-of-east-palestine-dioxin-related-testing-found-buried-on-epa-website/ \(](https://whistleblower.org/press-release/over-1500-pages-of-east-palestine-dioxin-related-testing-found-buried-on-epa-website/)

<sup>9</sup> ["EPA Continues Denial of Elevated Dioxin Levels in East Palestine, Ohio" Government Accountability Project, February 9 2024, https://whistleblower.org/press-release/epa-continues-denial-of-elevated-dioxin-levels-in-east-palestine-ohio/](https://whistleblower.org/press-release/epa-continues-denial-of-elevated-dioxin-levels-in-east-palestine-ohio/)

<sup>10</sup> Sharon Lerner, ["Norfolk Southern hired the firm testing air in East Palestine homes. Experts warn the checks are lacking | Ohio train derailment," The Guardian, March 11 2023, https://www.theguardian.com/us-news/2023/mar/11/norfolk-southern-air-testing-cteh-ohio-train-derailment](https://www.theguardian.com/us-news/2023/mar/11/norfolk-southern-air-testing-cteh-ohio-train-derailment)

Despite the inadequacies of the monitoring equipment, which the EPA later said was not sensitive enough to detect relevant amounts of carcinogenic chemicals such as butyl acrylate, people were given the all-clear to return home – and the EPA refused to retest their homes.<sup>11</sup> Residents also told our investigators that the Center for Toxicology and Environment Health, (CTEH, the contractor that Norfolk Southern hired and which EPA deferred to on the indoor air quality testing) incorrectly calibrated the instruments in the contaminated air outside their homes. CTEH also focused on volatile organic compounds and semi volatile organic compounds that dissipate quickly in the environment while not sampling for dioxin.

Nevertheless, EPA declared every home tested by CTEH safe for occupancy.

“They should have tested correctly and applied the precautionary principle,” Dr. Andrew Whelton, a professor of civil and environmental engineering at Purdue University recently told NPR, referring to the ecological tenet espoused by the naturalist Rachel Carson, which advocated proof that a product or environment was safe before allowing people to be exposed to it. Whelton<sup>12</sup> is conducting environmental studies in East Palestine. EPA, which relied on CTEH for in-home testing, has refused to order or perform its own in-home testing for dioxin or take into account the synergy of chemicals impacting residents in and around East Palestine. Dr. Stephen Lester, an expert dioxin toxicologist and science director at Center for Health, Environment & Justice (CHEJ), told residents February 3, 2024 at a train derailment commemorative event in nearby Columbiana, Ohio.<sup>13</sup>

“That's what I would want EPA to tell you is that as scientists, we don't understand what is happening to people exposed to the kind of mixtures you've been exposed to,” Dr. Lester said in his presentation. “What does EPA do instead? It uses antiquated risk valuations that are based on exposure to a single chemical, that don't take into account interactions, that don't take into account cumulative effects or combined effects. So, they're making a judgment on it, using an approach that's completely out of touch and irrelevant for what's happened here. And it's really not just disingenuous but borders on fraud for them to say to you that it's okay, that our analysis is sufficient, and... you shouldn't be seeing any health problems in this community. Scientifically, there's no basis for that. That's not just an opinion. It's a narrative that they've been trying to sell to you from day one. And there's no science behind that.”

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<sup>11</sup> Reid Frazier, “[Scientist questions EPA's handling of East Palestine cleanup: 'They Should Have Tested Correctly,'](https://stateimpact.npr.org/pennsylvania/2024/01/29/scientist-questions-epas-handling-of-east-palestine-cleanup-they-should-have-tested-correctly/) “ *National Public Radio*, January 29 2024, <https://stateimpact.npr.org/pennsylvania/2024/01/29/scientist-questions-epas-handling-of-east-palestine-cleanup-they-should-have-tested-correctly/>

<sup>12</sup>Andrew Whelton, letter to Senator J.D. Vance, Senator Sherrod Brown, and Congressman Bill Johnson, June 17 2023, <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:4b2e776d-2186-42a0-a5e2-f6c876aacd79>

<sup>13</sup>Savage Joy Marie Mann, “East Palestine, Ohio – Stephen Lester, UC San Diego, Rick Tsai,” Youtube, last modified February 5 2024, <https://www.youtube.com/live/WDQx6xWf2Jo?si=2APkcagOD98f> Nod



Dr. Lester in October criticized the dioxin soil sampling plan and results produced by Norfolk Southern contractor Arcadis.<sup>14</sup> “[Assessing] as an independent scientist, ... EPA[s] data is not worth the paper it’s written on,” he said.

### Federal Agency Malfeasance Harms Residents

EPA Administrator Micheal Regan set the tone for denial of health harm on February 21, 2023 when he toasted a glass of tap water in East Palestine with Ohio Gov. Mike DeWine and Congressman Bill Johnson.<sup>15</sup> EPA Region 5 Administrator Debra Shore and EPA On-Scene Coordinator Mark Durno have continued the “nothing to see here” narrative by gaslighting residents suffering with health symptoms and who have been diagnosed with elevated levels of train derailment chemicals in their blood.

“Although the EPA, state and local governments immediately claimed we were not exposed to hazardous chemicals, that is not true,” said East Palestine resident [REDACTED] in a signed statement. “After the accident residents could not learn the manifest contents listing hazardous materials on the train, and we were told there only had been two chemicals on board. Later we were told that ten chemicals were released after the contents were burned. Later the EPA estimated 20. There has been no reliable information for the public to know the nature and extent of how we’ve been contaminated. From personal experience, though, I know the reassurances are false. For example, eight months after the accident, tests confirmed the presence of formaldehyde in my back yard. But two weeks earlier EPA representative Mark Durno had said the tests did not detect levels, only components. The EPA said it was a mere concern rather than hazard because the levels were too low. He advised me in an email to just spread and rake the soil.”<sup>16</sup>

Meanwhile the creeks remain contaminated with chemicals from the derailment, chemicals that were re-volatilized into the air when EPA used aerators in the creeks in a possible violation of the Clean Air Act.<sup>17</sup>

The government and Norfolk Southern sustained the hazard through recontamination East Palestine resident [REDACTED] told Government Accountability Project. For example, they funneled the chemicals through sewer lines that fed right into Sulfur Run Creek, which is part of the Ohio River watershed, he said. Bragg added that Norfolk Southern used aerators to suck contaminants out of the supposedly clean water in the creek and then release it back into the

<sup>14</sup>Jami Wallace, “Re: EPA’s Dioxin Testing in East Palestine, OH Conducted March – April, 2023” *People’s Action Institute*, October 17 2023, <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8c989fe7-ea5d-4553-a96b-a22b2d7bca75>

<sup>15</sup> Megan Henry, “U.S. EPA Administrator Michael Regan going back to East Palestine again Tuesday,” *The Columbus Dispatch*, February 27 2023, <https://www.yahoo.com/news/u-epa-administrator-michael-regan-005645179.html>

<sup>16</sup> [REDACTED] affidavit to Tom Devine, February 4 2024, [Eric Cozza signed affidavit.pdf](#)

<sup>17</sup> Reid Frazier, “The stream flowing under homes in East Palestine is still polluted” *90.5 WESA*, February 4 2024, <https://www.wesa.fm/environment-energy/2024-02-04/east-palestine-derailment-stream-pollution>

air, like a supercharged poison fan. The chemicals were being blown into areas in town around commercial and government buildings. After he and others protested at a public meeting, the aerators were moved away from downtown, but they were relocated by the city's park where families play with their children, Bragg said.

Dr. Lester said the aerators compounded the health threats.

"When I was here that first couple of weeks there, I couldn't believe what was going on here... aerators in the middle of the town and in the neighborhoods taking chemicals and pumping them out of the creeks and putting them into the air and people are breathing this as they are walking around town," he said. "The workers who are working on it are not wearing any protective gear. I mean, again, this is unheard of. This just doesn't happen, but yet it was happening here because EPA turned their back and let the company (Norfolk Southern) do whatever it wanted."

### **Residents Sick, Facing Uncertain Future**

Our investigation has uncovered that residents in and near East Palestine continue to suffer horrific health symptoms that are triggered again whenever they return to their homes in East Palestine. These are the citizens the President must meet and listen to, if he is committed to ending the coverup and suffering it sustains.

After President Biden appointed James McPherson from the Federal Emergency Management Agency to assess the unmet needs of the community, only one resident received return correspondence from the man the community describes as a "ghost." They are still waiting for an overdue report from FEMA that many were hoping would lead to a disaster declaration.

Meanwhile, many remain in East Palestine and nearby affected communities due to financial constraints or they remain temporarily displaced with no way to afford a permanent relocation. [REDACTED] who has been living in a hotel since the derailment with her family, is currently facing a housing crisis as Norfolk Southern ended its temporary relocation assistance funding for the vast majority of residents unless they waive all legal rights. [REDACTED] recently told ABC News that she would rather be homeless than return to East Palestine.<sup>18</sup>

McCollum told Government Accountability Project that she and her family have experienced several new symptoms since the derailment including rashes, numbness, tingling in the mouth, ear pain, tooth pain, blood in the ears, hair loss and Parkinson's like hand tremors.

Multiple residents have told the Government Accountability Project that they have suffered from and continue to experience nose bleeds, respiratory distress, persistent cough, burning eyes,

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<sup>18</sup> ["Southern Illinois Now: East Palestine Residents Still Displaced, Suffering 1 Year After Toxic Train Derailment - Government Accountability Project" \*Government Accountability Project\*, February 5 2024, <https://www.whistleblower.org/in-the-news/southern-illinois-now-east-palestine-residents-still-displaced-suffering-1-year-after-toxic-train-derailment/>](https://www.whistleblower.org/in-the-news/southern-illinois-now-east-palestine-residents-still-displaced-suffering-1-year-after-toxic-train-derailment/)



rashes, headaches, dizziness, mouth sores, total hair loss, gastrointestinal issues, skin lesions, menstrual irregularities, seizures, strokes, new cardiac conditions, and new tumors. It's not uncommon for residents to report that their teeth are decaying at such a rapid pace that dentists have had to remove all their teeth. One resident told us last week that she is having two new lung masses biopsied. Other residents have reported mysterious deaths following the disaster. Response workers, railroad contractors, and even CDC workers conducting door-to-door health surveys also have fallen ill.<sup>19</sup>

██████████ a 35-year-old mother of two who lived 100 yards from the wreckage, sent her children to stay with family after the derailment. However, she stayed back to help deliver bottled water to neighbors and 10 hours in Sulfur Run, the contaminated creek behind her home, without any PPE, collecting water samples and meeting with media. Dixons, benzene, and other contaminants were found in the creek. Soon afterward, her face broke out with chloracne, a sign of dioxin exposure.

██████████ recounted to Government Accountability Project that her thyroid and liver functioning are off the charts. She has constant fatigue, muscle aches, and aching bones that feel like arthritis. Sometimes her arms atrophy, and her hands curve inward involuntarily, and she must force them to uncurl. Her headaches are awful, like migraines that don't end. She recalls waking up with nose bleeds gushing in the middle of the night. She has had gastrointestinal issues, nausea, and has not been able to sleep properly. Her anxiety attacks and PTSD have seemed endless. She told her doctor that she is a walking medical nightmare.



██████████ chloracne with blisters and cysts across her face after spending 10 hours in the creeks.

Courtesy: ██████████

East Palestine resident ██████████ told Government Accountability Project that in addition to a sore throat, runny eyes, sinus pressure and rashes that broke out when she would shower, her symptoms worsened over time until she started having joint pains throughout her body. It reached the point where the pain was too severe to hold a pen, although her family has no history of arthritis. So much of her hair fell out that she must wear a scarf to cover her head.

<sup>19</sup> Max Filby, "7 CDC workers fell ill investigating train derailment in East Palestine, Ohio," *The Columbus Dispatch*, April 3 2023, <https://usatoday.com/story/news/nation/2023/04/03/cdc-workers-sick-east-palestine-ohio-train-derailment/11593380002/> (u

Dr. Rick Tsai, a local chiropractor, became so frustrated with EPA's response in East Palestine that he started walking the creeks to document the contamination and dead animals. He became known as the "Creek Ranger," and he posted his videos on social media. Dr. Tsai, who is now running for congress due to his disillusionment with federal, state and local leaders, saw many sick patients as well as experienced his own bouts of the same symptoms.

He said common ailments included diarrhea, sore throats, irritation, bloody noses, and rashes. He has many photos of adults and children with chemical rashes that erupted after the derailment. The second time EPA's aerators in the creek sprayed him, his teeth hurt, and he had nerve pain in his mouth that felt like "zingers." Once after walking creeks without personal protective equipment, a teacup size welt formed on his back.

East Palestine resident [REDACTED] told Government Accountability Project that she has suffered a litany of health symptoms since the derailment, including severe rashes diagnosed as due to "chemical exposure." Over the months, her rashes turned into full-blown second and third-degree burns, and often they became boils. She also developed other medical issues that never existed prior to the train derailment including bronchitis, lesions on her spine, lesions and scars on her lungs, neurological problems, bloody nose, bloody urine, and new rashes/burns every time she goes outdoors with her skin exposed. Additionally, since February, [REDACTED] has gone to three different neurologists who confirmed that her diagnoses after the accident were unrelated to any previous conditions.

She also recounted broken promises about the resulting financial burden. Dating back to February 2023, Norfolk Southern asserted they were going to "make things right" by helping cover victims' medical bills for any medical-related injuries that were related to the train derailment. But [REDACTED] has accumulated over \$750,000 in medical bills that Norfolk Southern has failed to reimburse.

### Independent Testing Shows Dioxin Hot Spots in East Palestine

[REDACTED] who live three miles from the derailment site in East Palestine, suffered from metallic taste in their mouths, burning watery eyes, tingling lips and intense muscle pain before [REDACTED] was diagnosed with breast cancer 18 weeks after the derailment. The couple tested positive for vinyl chloride in their blood and urine and Lori tested positive for benzene. Their young adult daughter tested positive for vinyl chloride and she has bouts of vomiting almost daily. Independent scientist Scott Smith,<sup>20</sup> whom we represent as a citizen whistleblower, tested the [REDACTED] furnace filters, and found dioxin levels 1,200 percent higher than baseline.<sup>21</sup> The independent testing expert and CEO of U.S. BioSolutions, LLC, reports that he has found levels of dioxins and related furans in East Palestine's air, water, soil, and in the

<sup>20</sup> Lost Pirate Productions, "The Guy in the Blue Shirt," Youtube, accessed February 13, 2024 <https://www.youtube.com/watch?v=DdLdGuDN1ys>

<sup>21</sup> Alex Presha, Jon Schlosberg, Malka Abramoff, and Ivan Pereira, "East Palestine residents still displaced, suffering 1 year after toxic train derailment," ABC News, February 2, 2024, <https://abcnews.go.com/US/east-palestine-residents-displaced-suffering-1-year-after/story?id=106863658>



homes of its residents that are notably higher than baseline samples common to unaffected communities. While furnace filter testing in East Palestine may not be perfect and is not standardized like soil, sediment, and water testing, it is preferred over taking lung biopsies. Furnace filter testing can identify mixtures of chemicals, from dioxins to many other contaminants, that people may have directly inhaled due to the Norfolk Southern train derailment and subsequent, intentional burn. Smith's data helped sway The Government Accountability Project to investigate the cleanup and testing efforts in East Palestine.<sup>22</sup> Over the last twelve months, Scott Smith has taken a total of 63 soils samples through February 11, 2024, with results that have come back from the independent laboratory, Eurofins Lancaster Laboratories.<sup>23</sup>

This testing was done at the request of the community when the EPA and Norfolk Southern refused. Hence, this was targeted testing with people that were reporting health symptoms. Arcadis, a Norfolk Southern and EPA contractor, set the Regional Screening Level ("RSL" and sometimes referred to as Residential Screening Level) at 4.8 ppt (parts per trillion) Dioxin TEQ (Toxic Equivalency). Forty-six percent of the results show a Dioxin TEQ above 4.8 ppt and require follow up testing per the recommendation of Arcadis.

Furthermore, Smith and his scientific team have compared these testing results to commonly referred to background Dioxin TEQ values of 6 ppt for residential non-impacted communities, and Dioxin TEQ values of 8 ppt for urban non-impacted communities. Forty percent of the results exceeded 6 ppt and 33 % exceed 8 ppt.

Smith recently uncovered elevated dioxin in garden produce, which should have triggered the EPA's duty to warn or least conduct additional testing. While his garden crop testing is limited at this point, Smith found garlic from gardens or residents of East Palestine with Dioxin TEQ's as high as 440 ppt, or 54,221% higher than the control group. There again, the precautionary principle should be applied due to the Smith's testing showing extremely elevated dioxin levels in garden produce. It is simply not responsible for the EPA to rely on conjecture or models for the safety and well-being of the community.

The EPA dismissed Smith's results as well as Smith's soil samples in August 2023 on Taggart Street near ground zero of the derailment that showed soil TEQ dioxin and furan levels in excess of 600,000 ppt,<sup>24</sup> which is six times higher than the dioxin levels in Times Beach, Missouri, that

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<sup>22</sup> " [Government Accountability Project launches investigation into East Palestine disaster response, files FOIA lawsuit against EPA, provides citizen whistleblower protection for independent scientist Scott Smith,"Government Accountability Project, September 21 2023, https://whistleblower.org/press-release/government-accountability-project-launches-investigation-into-east-palestine-disaster-response-files-foia-lawsuit-against-epa-provides-citizen-whistleblower-protection-for-independent-scientist-scot/](https://whistleblower.org/press-release/government-accountability-project-launches-investigation-into-east-palestine-disaster-response-files-foia-lawsuit-against-epa-provides-citizen-whistleblower-protection-for-independent-scientist-scott-smith/)

<sup>23</sup> Lesley Pacey, private document, February 12 2024, <https://acrobat.adobe.com/id/urn:aaid:sc:va6c2:1c2de75b-3edc-46ab-9e4a-a928200a8722>

<sup>24</sup> [1] Lesley Pacey, private document, [Screenshot of Smith soil dioxin sampling results without locations.png](#)

triggered the evacuation of the entire town in 1982. Dixon levels in Times Beach were recorded at 100,000 ppt, or 100 ppb.<sup>25</sup>

East Palestine residents' health symptoms mirror those of Times Beach residents, many who developed cancers and other chronic health issues, the former mayor of Times Beach, Marilyn Leistner told East Palestine residents in September.<sup>26</sup>

Still, by October, the EPA had given residents the green light to garden in East Palestine.<sup>27</sup>

Smith also tested resident [REDACTED] property's soil several times for Dioxins and SVOCs.

[REDACTED] soil showed a significant increase in Dioxins from May to September and the most lethal Dioxin TCDD (Times Beach) was found at 1.2 ppt in September but was not present in May. Furthermore, Semi-Volatile Organic Compounds ("SVOCs") increased from 4,360 ppb to 18,450 ppb.

"This data suggests that the excavation and cleanup may have created more contamination in East Palestine, which is why comprehensive testing should have been done and needs to continue," Smith said.<sup>28, 29</sup>

Due to contamination [REDACTED] is uncomfortable selling her home, but also cannot take her five family members including two elderly disabled parents back to the home when her temporary relocation funding ends. Recently, she appeared on Cuomo on News Nation saying "We need to be heard" by President Biden."<sup>30</sup>

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<sup>25</sup> Liz Wills, "Times Beach, Missouri, Evacuated Due to Contamination with Dioxin," Environment and Society Portal, | <https://www.environmentandsociety.org/tools/keywords/times-beach-missouri-evacuated-due-contamination-dioxin#:~:text=In%201982%2C%20after%20numerous%20illnesses%2C%20miscarriages%2C%20and%20animal,1%20part%20per%20billion%20which%20EPA%20considers%20toxic.>

<sup>26</sup> Stephanie Elverd, "Last mayor of Times Beach shares her story with EP and surrounding communities" | *Morning Journal*, September 30 2023, <https://www.morningjournalnews.com/news/local-news/2023/09/last-mayor-of-times-beach-shares-her-story-with-ep-and-surrounding-communities/>

<sup>27</sup> Kelly Kennedy, "East Palestine residents given green light to garden, EPA releases soil results on heels of lawsuit," *Cleveland 19 News*, October 3 2023, <https://www.cleveland19.com/2023/10/04/east-palestine-residents-given-green-light-garden-epa-releases-soil-results-heels-lawsuit-filed-against-them/>

<sup>28</sup> Scott Smith, private communication to Mark Durno, Mar Figley, William Burgess, Bob Figley, July 27 2023, | <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:c8123cfc-1aec-4525-a412-264424d957e9>

<sup>29</sup> Scott Smith, private communication to Norfolk Southern, February 3 2024, [Final Scott Smith-Norfolk Southern-EPA 2-3-24 for e-mail.pdf](#)

<sup>30</sup> News Nation, "East Palestine resident: We 'need to be heard' by Biden," Youtube, accessed February 13 2024, | <https://youtube.com/watch?v=wMbUWtQX8Ao>



"The citizens who are having issues need to talk to him. It needs to be done fairly and we need to be heard," she told News Nation.

### **Government Accountability Project Recommendations**

For these reasons, we along with community members and scientists highly recommend that the federal government immediately take the following actions:

- 1) Provide the resources that make it possible for residents who want to leave the area to do so. A National Disaster declaration must be made to safeguard the health of East Palestine residents who cannot relocate without financial assistance. All funding should be provided by Norfolk Southern.
- 2) Designate Superfund status to the East Palestine disaster which would provide additional benefits for impacted residents.
- 3) Immediately apply the precautionary principle and warn residents not to eat from their gardens until further testing is conducted by independent scientists or EPA contractors.
- 4) Fully reimburse residents for expenses related to all medical testing and treatment related to the train derailment. The federal government must provide oversight of this process and ensure accountability by Norfolk Southern. The administration should use Section 1881A of the Affordable Care Act to provide Medicare to all residents in East Palestine and surrounding impacted communities where residents are experiencing health impacts.
- 5) Establish a long-term medical monitoring program to follow the residents over time. Norfolk Southern and the chemical companies should pay for independent life-long health monitoring for all affected residents. Data generated from this case study should inform decision-making in future disasters and provide insights into the health of other front-line communities.
- 6) Sample residents' property and home interiors for dioxins using independent scientists.
- 7) Fully reimburse residents for expenses related to independent testing conducted on their properties. EPA and other federal agencies should work with independent scientists to identify gaps in their own methodologies and improve access to quality data.
- 8) Invite community members to publicly testify. There have been multiple congressional hearings on the East Palestine disaster, but all have failed to invite members of the community to testify about their experiences. The public deserves to hear their stories and Congress has a duty to listen.
- 9) Conduct a qualitative risk assessment of the disasters that occurred February 3, February 6 and during the ongoing remedial activities that produce dust and vapor.
- 10) Provide the FEMA report on the Unmet Needs of the Community with the understanding that residents' input was not considered.
- 11) Complete the CDC/ATSDR Registry of residents who are known to have chemical burdens
- 12) Hold EPA accountable for their missteps described in the document, but also for:
  - a. flooding the creeks at least twice with train derailment wastewater
  - b. allowing groundwater plumes to migrate under East Palestine homes and businesses,
  - c. allowing Norfolk Southern to air knife the toxic volatile compounds into the air,

- d. allowing Norfolk Southern to detonate five vinyl chloride tankers that put residents and first responders at risk of lethal concentrations of deadly phosgene,
- e. not sampling homes for vapor intrusions from contaminated ground waters that already are impacting area businesses,
- f. discontinuing the vast majority of air monitoring/sampling before peak remediation work such as sediment excavation and washing,
- g. not testing the soil in the city parks AFTER they were chemically flooded twice.

A local citizens' group, The Unity Council for the East Palestine Train Derailment provided this **additional list of demands**.<sup>31</sup>

Additionally, **recommendations for an improved disaster response** were made recently at the Society of Environmental Toxicology and Chemistry based on observations about the East Palestine disaster.<sup>32</sup>

"This has happened before to other communities and other situations where people were exposed to multiple low-level chemicals," Dr. Stephen Lester pointed out in his presentation on February 3. "It happened at 9/11 to the first responders that were volunteers who went into those burning buildings. They breathed smoke, they breathed the fumes, the particulates to everything that was going on there. It also happened to the burn pit soldiers in Iraq and Afghanistan overseas and there are other situations where these kind of exposures existed and government said in those situations, 'Well, here's what we can do: We know that it's impossible to assess the health risks and determine whether people's health problems were caused by that exposure, so we're going to presume that they were exposed and we're going to take care of these people.' So they're giving them healthcare. They're setting up medical monitoring and they're getting other compensation. They did this in for Agent Orange veterans. They did it for Camp Lejeune in North Carolina... So, there are there are precedents for the government to step in and say for these kinds of broad exposures where people have been exposed to multiple chemicals and we don't have any scientific understanding of what it means, they've already done it. Why shouldn't they do that here in East Palestine? And they should."

On March 13, 2023, the community along with 100 environmental groups including national and local organizations signed a letter providing the EPA detailing their concerns about the dioxin testing, offering recommendations and seeking transparency and community involvement in the testing design and sampling plan.

"Unfortunately, EPA did not address these concerns and recommendations in the development of the sampling plan which was prepared by Arcadis, a contractor for Norfolk Southern," Dr. Lester said in CHEJ's critique of the railroad's dioxin sampling plan released in October.

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<sup>31</sup> "The Unity Council Presents: Community Demands," The Unity Council, accessed February 13 2024, <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:f5b7d024-946c-4963-919c-b249cd6fb63a>

<sup>32</sup> Bruce Vigon and others, " 6.04 P-We-155 Planning for Disaster: A Case Study Based on the East Palestine, Ohio Train Derailment,"



Tsai told Government Accountability Project that the best way to help East Palestine is to move residents away from the toxic threats, so they are not "sitting ducks." "What good does it do to leave people like rats in a cage with poison?"

Toxicologist Dr. George Thompson agrees.

"This train derailment and chemical release by the fire is the most complex and hazardous chemical release accident I have seen in my 50 years of experience as a toxicologist. My greatest fear is that cumulative long-term human health effects across a broad cross section of the Atlantic States will progressively result in thousands of deaths from cancer, heart, kidney, and lung diseases over the next 10-20 years that could potentially exceed those from 9/11. My concerns for the residents of East Palestine, and beyond, are in obvious contrast to the conclusions stated by the Environmental Protection Agency Administrator Michael Regan when he told them 10 days after the derailment and fire that 'their municipal water and air was safe.'"

"Massive chemical contamination of towns has previously occurred in Love Canal NY, Times Beach MO, and even Chernobyl Ukraine. These three towns have one thing in common - their inhabitants and businesses were all removed/evacuated due to massive contamination of the towns with highly hazardous chemicals. The specific contaminant in Times Beach was one chemical, dioxin. The independently derived data of dioxin contamination in East Palestine also warrants the relocation of families and businesses. Although one year has now passed since this disaster occurred in East Palestine OH, the incident must be re-considered an emergency by local, state, and federal agencies. Residents and their animals can only be protected by evacuating East Palestine and the surrounding area, buying the businesses, and re-locating the citizens to safer areas of their choosing."

## Exhibits

*Transcript of East Palestine Train Derailment Anniversary Event by Dr. Stephen Lester  
February 3, 2024, Columbiana, Ohio*

I'm going to share some of my experiences being here and some of what I've learned over the years about chemicals and how that's how that's playing out here in East Palestine... I work for an organization called the Center for Health, Environment and Justice. We were founded in 1981 by a woman named Lois Gibbs, who was the community leader at Love Canal in Niagara Falls, NY. What we do as an organization is we work with communities very much like East Palestine here that have had chemical contamination problems. We are here to help people do two things. One is to help people understand the science and that means reading reports, engineering and health studies and environmental test results, telling them what it means and what it doesn't say, and helping them address the questions they need to ask to figure it out. That's one half - an important half. But the other half of my work is to help people figure out how to use that science in their organizing work, in their campaign work, to help them understand what the science can say and what, just as importantly, what it does not say. And I want to speak to that some more because that's what's happening here in East Palestine.

So, I got involved in all of this when I was hired by the state of New York to be a science adviser to the residents of Love Canal. That's where I met Lois. That's where I got involved in toxic work. And so, I spent two years at Love Canal, and when I came here almost a year ago, it was last February and I attended a town hall meeting. And what struck me, really struck me, was here I am in a community - there were over 200 people in that room last year - and there was raw emotion. There was just tension everywhere and it took me immediately back. I had flashbacks to the meetings at Love Canal because it was Deja vu all over again. I mean, here I am, sitting in a community asking almost the same questions, you know, like, "What can I do with my kids? Can I go in my yard? Can I cut my grass?" You know, "What's going to happen to me?" And those are the questions people were asking at Love Canal. And I realized that at the time. You know, the first thing that when I learned about all that has happened here, the first thing that occurred to me is like, "God... you know, these people have been exposed to dioxin. They're burning vinyl chloride. God knows why they made that decision at the time. But they did. The government did. Or this actually looks like it's Norfolk Southern that did. But nonetheless...

So, we ended up (here) and I thought of that because of all of our experiences, thoughts and we've done so much work over the years on dioxin. We had a campaign to stop dioxin exposure that lasted almost 20 years. We've written books on dioxin, we've... sponsored conferences, community conferences that brought in communities that... have been exposed to dioxin. We brought them together to share information and learn from each other.

And dioxin, you've probably learned more about dioxin than you ever thought you ever wanted to in the last year or so. But dioxin is not a single chemical. I think you've recognized this at this point. There are 75 dioxin-like compounds, several of which are very toxic, one of them called 2,3,7,8 Tetrachlorodibenzo-p-Dioxin, or TCDD 2,3,7,8 for short. It is one of the most toxic chemicals ever tested in this country. It's a highly potent carcinogen. But it doesn't just cause cancer. It causes reproductive problems, neurodevelopmental problems, immune system problems, infertility. It causes hormone... and impacts



the hormone systems, causes diabetes, causes heart problems. I mean, there's a very long list of all the things that it causes and leads to and it does these at extraordinarily low levels, extraordinarily low levels. You hear people talk about, you know the drop of vermouth in a swimming pool? Well, that kind of drop - if it is dioxin - can lead to adverse health problems. Dioxin is a very nasty chemical. Skin rashes are another thing it causes. One of the classic examples of being exposed to dioxin is a skin disease called chloracne. So, it's a nasty chemical dioxin.

And so when I first came in and I realized they had done this burn of vinyl chloride, well, my first question was, "Have they tested for dioxins?" And they didn't. At that time, the EPA had actually no interest in testing for dioxins. I mean what Scott (Smith) showed us earlier today (evidence of EPA dioxin as early as Feb. 9 found buried on the EPA website) is that they knew before, you know, actually I was there the 23rd is when I was here and they knew already at that time that they had found dioxin. And... where they found it is where they burned it and that's the place where it's been. They've never released that data. I don't know if it's in that 1500 (buried) pages, but the testing at the site where the burn occurred, I have not seen any data on (the) dioxin or any of these other chemicals. So, it would be great to be able to see some of that - and that will be really helpful.

So, without testing for dioxin, and this is one of the things I said a year ago, is that without that information we won't know what the risks are to the people in this community. People will be asking these questions and some of you are still asking these questions because despite the fact that EPA has spent I don't know how many millions on doing testing. But the testing they've done, and Scott has already pointed to it earlier, the testing that they have done - and we did an analysis of... that EPA data that they released in March and April - the first round of testing of some 130 samples or so, we've looked at that very carefully and what we realized is the way they made decisions about where to test and how they collected their samples enormously influenced the results. And one of the things I've learned over all these years looking at all this data, is that the data is only as good as how the samples are collected. If it's garbage in, you get garbage out.

And what EPA did, the first thing they did was they said to the contractor, "You can do whatever you want." And the contractor said, "Well, we're going to decide where to take our samples by walking the site and looking for evidence of contamination. If we see it, we'll take a sample there." Well, in all my years of doing this work, I've never seen EPA give anybody carte blanche like that. It's so subjective. And this is the guy, the company, that is responsible for this. They're going to go out and decide where to take the tests and that's going to be a legitimate and honest test? Maybe, but more likely not. So that was a huge error. Just giving them that... In every other situation I've reviewed, EPA always says, "Well, you have to have an objective grid pattern of some kind to select where to sample." They never test contaminated sites by walking the site. They would be laughed out of the room if some company went to EPA other than Norfolk Southern and said, "This is what we're going to do." So, EPA did a 180 for them for this site for whatever reason.

And then, they went and took these samples at two levels. At the surface the zero is six (inches) and then below. Why would they go 15 inches below the surface? There's nothing. Again, Scott pointed this out in his slide, Dioxin is very insoluble in water. It's not going to trickle down. It's going to be at the surface. So, those are a complete waste - the samples everything below the surface.

But if you still take all of their results and look at it, there's still a lot of results there that indicate there's a risk. Of of the 132 samples, 42 of them exceeded that EPA risk screening level for dioxin of 4.8 - 42,



which is you know, like 30%. And there was another group of another chemical that also exceeded these values, but we don't know (because) the results that EPA put on its website is homogenized. They didn't give any identifiers so that you can know whether these three samples are all from the same location. So you can't say, "Well, these are the results. These three results were from one location," or you can't say that these, you know, like those areas, all those 42 samples, if that's your home or my home or somebody else's home, you wanna know that. But we don't know that.

So as an independent scientist, I could not look at any of that thousands of pages of data and we look through a lot of that... But I couldn't judge the quality of the data because beyond looking at how they collected it and realizing even if I could, I wouldn't trust it. So EPA data is not worth the paper it's written on. One of the things I wanted to say also is that it's not just dioxin that's a problem here. There are a lot of other chemicals that were on that train that were burned, that got into the creeks. And it's not just dioxin. While dioxin is a highly toxic chemical that we really want to pay attention to and we care about, there's also other chemicals, and what one of the lessons I'm taking away from being here and looking at this and evaluating this as a toxicologist is that people here have been exposed to a broad mixture of contaminants of chemicals and maybe low concentrations and numbers. We don't know. We don't know what people were exposed to because EPA did not do any testing. We don't know what the concentrations were and we don't know how many chemicals. And we don't know what the combined effects of all these exposures are or how long these exposures have been occurring. I mean, yes, yes, it's not just the original spill. It's not just the burning, it's the clean up, the constant digging up of that soil and moving it and disturbing it.

When I was here that first couple of weeks there, I couldn't believe what was going on here... aerators in the middle of the town and in the neighborhoods taking chemicals and pumping them out of the creeks and putting them into the air and people are breathing this as they are walking around town. The workers who are working on it are not wearing any protective gear. I mean, again, this is unheard of. This just doesn't happen, but yet it was happening here because EPA turned their back and let the company do whatever it wanted.

But going back, so with all of these uncertainties, and all of these chemicals that people have been exposed to and the lack of good data that tells people what they've been exposed to, what do you do? What do you do? And that's the question you're all asking now. What's happening? What's happening to my kids? What's my future? What's going to happen to me? And I think that there's not a lot, there's not much that we as scientists can say in all honesty. I mean, that's what I would want EPA to tell you is that as scientists, we don't understand what is happening to people exposed to the kind of mixtures you've been exposed to?

What does EPA do instead? It uses antiquated risk valuations that are based on exposure to a single chemical, that don't take into account interactions, that don't take into account cumulative effects or combined effects. So, they're making a judgment on it, using an approach that's completely out of touch and irrelevant for what's happened here. And it's really not just disingenuous but borders on fraud for them to say to you that it's okay, that our analysis is sufficient, and... you shouldn't be seeing any health problems in this community. Scientifically, there's no basis for that. That's not just an opinion. It's a narrative that they've been trying to sell to you from day one. And there's no science behind that.

There's nothing they can do except this, this, this antiquated approach that, that it's totally irrelevant for what's happened here. You have not been exposed to a single chemical. It's a mixture you've been

exposed to for, in some cases almost a year during the entire cleanup, not just the burn, not just spill. So, it's a combination of things.

...There's this has happened before to other communities and other situations where people were exposed to multiple low-level chemicals. It happened at 9/11 to the first responders that were volunteers who went into those burning buildings. They breathed smoke, they breathed the fumes, the particulates to everything that was going on there. It also happened to the burn pit soldiers in Iraq and Afghanistan overseas and there are other situations where these kind of exposures existed and government said in those situations, "Well, here's what we can do: We know that it's impossible to assess the health risks and determine whether people's health problems were caused by that exposure, so we're going to presume that they were exposed and we're going to take care of these people." So they're giving them healthcare. They're setting up medical monitoring and they're getting other compensation. They did this in for Agent Orange veterans. They did it for Camp Lejeune in North Carolina. You're probably seeing the ads all the time. I don't know. So, there are there are precedent for the government to step in and say in for these kind of broad exposures where people have been exposed to multiple chemicals and we don't have any scientific understanding of what it means, they've already done it. Why shouldn't they do that here in East Palestine? And they should.



*Independent Toxicology Expert: "I Predict East Palestine OH Train Derailment Chemical Release Death May Become Worse Than 9/11" by George R. Thompson, Ph. D.<sup>1</sup>*

My independent expert analyses of the chemicals in the railcars, and their subsequent fire, following the train derailment in East Palestine Ohio identified over 100 highly toxic chemicals that have the potential to result in long-term medical injuries and environmental contamination.<sup>2</sup> Because of the downwind atmospheric dispersion of the smoke-plume hazardous products, the potential for farmland contamination and surface water pollution, the long-term human health effects from this accident may be worse than occurred from 9/11. The fire potentially released 3,000-6,000 tons of highly toxic soot, ash, and hazardous chemicals<sup>3</sup> into a massive smoke and mushroom cloud that slowly dissipated hundreds of miles beyond the derailment area contaminating gardens, farmland, animals, and communities in perhaps 5, or more, different states.<sup>4</sup>

Recent reports have stated that the delayed deaths for firefighters from 9/11 will shortly surpass accumulated deaths over the past 22 years.<sup>5</sup> In addition, the World Trade Center Health Program reported in 2023 that 71,000 individuals have been diagnosed with health conditions related to exposure to the dust, smoke, debris, and trauma of the 9/11 attacks. One 9/11 survivor has since survived cancer four times.<sup>6</sup> I fear that similar delayed deaths from the East Palestine massive chemical "stew" release will accrue in eastern Ohio, Pennsylvania, West Virginia, and perhaps beyond. One of the railcar chemicals has been detected at low levels in the Ohio River bordering West Virginia within about one week.<sup>7</sup> The impact from tons of soot/ash chemical contaminants on farmland across these states remains unknown. However, if some of these highly hazardous and long-lived chemicals enter the food chain, health effects will continue to accrue for years to come and in communities far from East Palestine OH.

Of the 52 railcars identified in the Norfolk Southern manifest, 31 were identified with various affected-by-the-fire descriptors (i.e., burned or impinged). In addition, 27 cars contained 12 different chemicals, 8 cars contained 4 petroleum products, and 13 cars contained food products.<sup>8</sup> Of the original 31 railcars with chemicals, I have verified that 8 cause cancer, allergies, and aquatic toxicity. However, my fire research has determined that the number of additional, highly toxic chemicals, or chemical classes, released by the fire included 115 that cause cancer, 65 that produce brain/central nervous system effects, 45 that cause heart disease, 42 that cause lung toxicity, 22 that cause asthma, and 11 that cause reproductive effects. Fire-generated carcinogenic chemicals, or chemical classes, included dioxins, polycyclic aromatic hydrocarbons (PAHs), aldehydes, soot, persistent free radicals, and the lung-corrosive gas phosgene. Dioxin levels in residential East Palestine soil tested by independent scientists were 4-10 times background levels.<sup>9</sup> Dioxins would have been produced by the incomplete combustion of chemical products contained in at least 10 railcars ( $\geq 200,000$  lbs. each). The potential human health and environmental hazards from the chemicals produced by the fire far exceeded hazards from the railcar contents themselves. A question remains regarding the geographic area of concern, since the massive mushroom cloud created from the fire, and observed from space, would have impacted an area far greater than the community of East Palestine Ohio. At least one railcar chemical was detected reportedly at levels below those of concern in the West Virginia Ohio River, approximately 165 miles south of East Palestine.<sup>7</sup>



Shortly after the fire began, local citizens experienced health effects that persist today, one year after the initial incident. One woman and her husband, for example, experienced nose, eye, throat, larynx, and lung irritation within hours after the fire started. They have continued to suffer severe coughing and wheezing, and still do not see an end to their injuries. Another East Palestine resident recently removed and folded his outdoor U.S. flag. Within hours, he developed a severe rash from the dust that had been on his flag. Residents must continue to be diligent about NOT vacuuming any dust in or around their homes or vehicles, since the vacuum exhaust will again spread the contaminated dust leading to at least another round of skin, eye, nose, throat and lung irritation, and body absorption.

Within hours after the fire ignition, animals and pets in the greater area of East Palestine died. Five chickens raised 10 miles northwest of East Palestine died within hours. Multiple foxes near East Palestine died, and several others became sick. The Ohio Department of Natural Resources estimated that more than 43,000 animals died as a result of the derailment and fire.<sup>10</sup> Cows in Pennsylvania reportedly developed diarrhea, and a local farmer that raises pigs was unable to sell his pigs at market - they did not want any livestock from the area of potential exposure.<sup>11</sup>

This train derailment and chemical release by the fire is the most complex and hazardous chemical release accident I have seen in my 50 years of experience as a toxicologist. My greatest fear is that cumulative long-term human health effects across a broad cross section of the Atlantic States will progressively result in thousands of deaths from cancer, heart, kidney, and lung diseases over the next 10-20 years that could potentially exceed those from 9/11. My concerns for the residents of East Palestine, and beyond, are in obvious contrast to the conclusions stated by the Environmental Protection Agency Administrator Michael Regan when he told them 10 days after the derailment and fire that 'their municipal water and air was safe.'<sup>12</sup>

Massive chemical contamination of towns has previously occurred in Love Canal NY, Times Beach MO, and even Chernobyl Ukraine. These three towns have one thing in common - their inhabitants and businesses were all removed/evacuated due to massive contamination of the towns with highly hazardous chemicals. The specific contaminant in Times Beach was one chemical, dioxin.<sup>13</sup> The independently derived data of dioxin contamination in East Palestine also warrants the relocation of families and businesses.<sup>9</sup>

Although one year has now passed since this disaster occurred in East Palestine OH, the incident must be re-considered an emergency by local, state, and federal agencies. Residents and their animals can only be protected by evacuating East Palestine and the surrounding area, buying the businesses, and re-locating the citizens to safer areas of their choosing.

## Notes and References

1. I have performed independent toxicology hazardous chemical analyses for government agencies, corporations, and academic institutions for over 50 years. I have published 21 books on hazardous chemicals, been an expert witness for more than 50 lawsuits, and spent hundreds of hours researching the hazards of chemicals contained in railcars on the East Palestine derailed train, as well as the highly hazardous chemicals created by the fire and released into the air, water, and soil. My personal concerns about the hazards of the millions of pounds of highly hazardous chemicals released by the fire in East Palestine OH have brought me out of retirement with the intent to encourage other independent scientists to become involved in accurately assessing the risks resulting from this health and environmental catastrophe.
2. The 52 railcar contents and outcomes identified in the Norfolk Southern manifest posted on the Internet at the time of the derailment identified 52 cars with 23 different chemicals and chemical products. Incomplete combustion produced up to 14 highly hazardous chemicals, or chemical classes, for each of these identified railcar materials.
3. Each railcar carried potentially 200,000 to 225,000 pounds of materials. The N/S manifest indicated that 17 cars "burned" and 15 cars were "impinged" with fire/flames. Contents in 17 cars totaled >3.4 M pounds (= 1700 tons), and in 32 cars totaled >6.4 M pounds (= 3200 tons).
4. Potentially depositing highly hazardous chemicals bound to particulates perhaps in Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, and maybe even Washington, D.C.
5. See: [mountsinai.org/about/newsroom/2018deaths-from-911](https://mountsinai.org/about/newsroom/2018deaths-from-911). See also: [www.cnn.com/2023/09/11/us/newyork-firefighters-911-illness-death/index.html](https://www.cnn.com/2023/09/11/us/newyork-firefighters-911-illness-death/index.html).
6. See: USA Today, 8 Sept 2023 @ 70780975007/.
7. See: <https://www.wowktv.com/news/west-virginia/is-the-ohio-train-derailment-chemical-spill-impacting-west-virginias-water/>
8. Numbers compiled from the Norfolk Southern manifest previously available on their website.
9. B.W. Vigon et als., Society of Environmental Toxicology and Chemistry (SETAC), Poster Presentation, 15 Nov 2023. ([breveja2180@att.net](mailto:breveja2180@att.net)).
10. <https://www.axios.com/2023/02/24/ohio-train-derailment-animals-killed-water>
11. East Palestine resident personal communication
12. <https://www.washingtonpost.com/climate-environment/2023/02/16/ohio-train-derailment-response-toxic-contamination/>
13. [https://www.newsnationnow.com/us-news/midwest/ohio-train-derailment/east-palestine-crisis-mirrors-missouri-times-beach/#:~:text=East%20Palestine%20crisis%20mirrors%20what%20turned%20a%20Missouri%20city%20into%20a%20ghost%20town&text=EAST%20PALESTINE%2C%20Ohio%20\(NewsNation\),abandonment%20of%20an%20entire%20town.](https://www.newsnationnow.com/us-news/midwest/ohio-train-derailment/east-palestine-crisis-mirrors-missouri-times-beach/#:~:text=East%20Palestine%20crisis%20mirrors%20what%20turned%20a%20Missouri%20city%20into%20a%20ghost%20town&text=EAST%20PALESTINE%2C%20Ohio%20(NewsNation),abandonment%20of%20an%20entire%20town.)



October 17, 2023



October 17, 2023

Ms. Jami Wallace

President

Unity Council for the East Palestine Train Derailment

East Palestine, OH

**Re: EPA's Dioxin Testing in East Palestine, OH Conducted March – April, 2023**

**Overview and Key Findings**

The dioxin testing conducted by Norfolk Southern in response to the train derailment and subsequent intentional burning of vinyl chloride and other toxic chemicals in East Palestine, OH fails to address many questions raised by local residents about their potential exposure to dioxins. People continue to ask EPA for more testing which the agency continues to deny. Based on this analysis of the EPA's testing approach and results, additional testing is clearly needed. This additional testing should be designed to address the public health risks posed by the contamination caused by the derailment and subsequent burning of vinyl chloride and other toxic chemicals.

Based on the data provided by EPA and the information provided to support that data and how it was collected, it is not possible to tell 1) where dioxin contamination is or isn't, or 2) what the concentrations of dioxins are at a given location. Furthermore, EPA did not disclose the actual location of any of the samples that were collected. This is an important because it is needed to evaluate and to understand the public health risks posed by the results.

**Key Findings**

- The initial sampling plan developed by Arcadis for Norfolk Southern and approved by EPA was never intended to identify the public health risks posed by the contamination in the community caused by the derailment and subsequent intentional burning of vinyl chloride and other toxic chemicals.
- The approach for determining where to collect samples used by Arcadis for Norfolk Southern and approved by EPA was highly unusual and very subjective, and did not follow standard procedures for investigating contaminated sites. Norfolk Southern's sampling plan involved walking the area and "inspecting" the surface soil for evidence of ash or other debris from the derailment and subsequent intentional burn.

- Despite the many limitations in EPA's testing approach, some sample measurements did detect significant levels of dioxins. A significant number of samples that were collected as part of EPA's dioxin sampling effort in East Palestine did exceed EPA and other benchmarks and guidelines for evaluating the public health risks of dioxins and warrant additional action. Yet, EPA has refused to conduct additional testing or take any action to address these findings.
- No information is provided on the actual location of where samples were taken. Subsequently, it's unclear how close collected samples were to the immediate site of the derailment and intentional burn and how many samples were taken from downwind of the immediate site of the derailment and intentional burn. It's also unclear if the samples with significant concentrations of dioxins reflect hot spots or other evidence of contamination from the emissions fallout from the derailment and intentional burn.
- EPA has not shared comprehensive sampling details that would allow the community and its scientific advisors to independently evaluate this sampling effort. The agency has also failed to provide transparency in its sampling and analytical procedures. Once sampling has been conducted, results have not been released in a transparent, accessible, or easy to understand manner. This unconventional approach has made it difficult to independently evaluate and understand the public health risks posed by the dioxin concentrations reported in the results.
- The community has given EPA ample opportunities to build trust, engage with the public, and provide information. EPA has responded with a complicated presentation of its results in which nothing is clear and little makes sense, rather than being forthcoming about its plans, processes and results.
- EPA provided no analysis of their dioxin sampling results.

EPA needs to conduct additional testing in the areas where significant concentrations of dioxins were found in order to evaluate if these areas represent hotspots or whether there are other reasons why the concentrations of dioxins were high in these areas. A scientist appointed by the community needs to be included in this follow-up testing and investigation. It is also evident that EPA needs to take action to communicate to residents living near these sample locations.

### **Analysis of EPA's Dioxin Testing in East Palestine, OH**

On February 3, 2023 a Norfolk Southern Railway Company freight train derailed in East Palestine, Ohio. Twenty of the derailed cars contained hazardous chemicals including vinyl chloride, butyl acrylate, ethylene glycol, monobutyl ether, ethylhexyl acrylate and isobutylene. Some cars released these chemicals into the surrounding air, soil, and water when the train derailed. Then, on February 6, Norfolk Southern made the decision to conduct an intentional burn of five tanker cars containing vinyl chloride, a highly toxic and hazardous substance. This intentional burn resulted in the formation and release of a



by-product of burning the vinyl chloride – a group of chemically-related substances, generally described as “dioxins,” one of the most toxic chemicals ever created. Nearby residents were evacuated because of the health hazards posed by breathing the fumes and smoke from the derailment and then the intentional burn. In addition to the fumes and smoke, chemicals released into the surrounding environment posed additional public health risks. The Ohio Department of Natural Resources found that over seven miles of streams were affected by the chemical spill and thousands of fish died, raising concerns about dangers to residents in a large radius surrounding the spill.

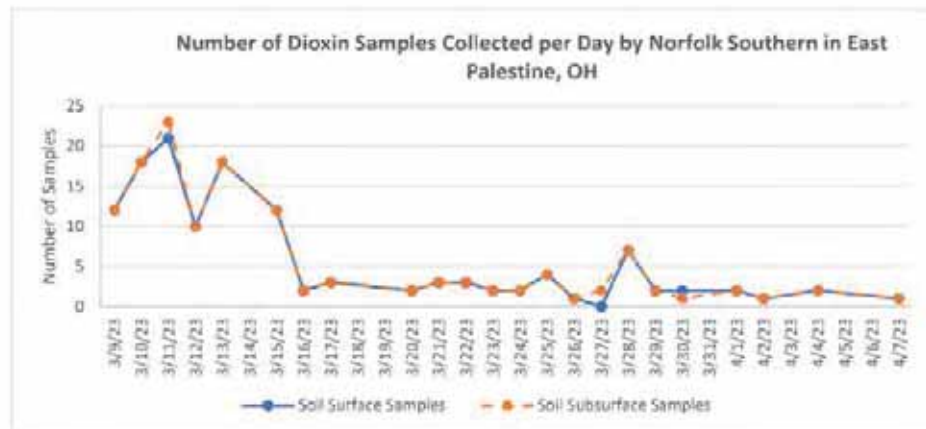
The U.S. Environmental Protection Agency (EPA) ordered Norfolk Southern to identify and clean up contaminated soil and water. However, secrecy surrounding the scale of the accident and a reluctance to test thoroughly for all chemicals of concern has frustrated residents. Despite initial reluctance to test for dioxins, EPA announced on March 2, 2023 that it would test for dioxins in the areas impacted by the train derailment. The community had been urging the agency to do this testing for weeks. On March 13, 2023, the community along with dozens of national organizations and community-based organizations signed a letter to EPA detailing their concerns about the testing, and seeking transparency and community involvement in the testing design and sampling plan. Recommendations for how this testing could be conducted to address these concerns were included in this letter report. Unfortunately, EPA did not address these concerns and recommendations in the development of the sampling plan which was prepared by Arcadis a contractor for Norfolk Southern.

EPA’s testing for dioxins was conducted from March 9<sup>th</sup> to April 7<sup>th</sup>. Samples were collected from surface and subsurface soil, and the results were made publicly available on EPA’s website on April 21, 2023. This report summarizes these results and provides our analysis of this effort.

#### **Overview of Samples Collected for Dioxins**

130 surface soil samples and 133 subsurface soil samples were collected over 23 days for analysis. Surface samples were collected from a depth of 0 to 0.1 feet (zero to just over 1 inch) below the top surface of the soil. Subsurface samples were collected from a depth of 0.1 to 0.5 feet (from just over 1” to 6”) below the top surface of the soil. Figure 1 shows the number and type of samples collected on each day. During the first 6 days of sampling, ten or more samples were collected each day. On the subsequent 17 days, 1 to 7 samples were collected on each day. EPA did not provide information about how the number of samples collected each day or the sampling locations were determined.





**Figure 1 – Number of Dioxin Samples Collected from Surface and Subsurface Soil Each Day by the Norfolk Southern in East Palestine, OH.**

The most striking aspect of the dioxin soil sampling effort was the approach used for determining where to collect samples. The sampling plan was developed by Arcadis, a contractor for Norfolk Southern, and approved by EPA. This plan was highly unusual and did not follow standard procedures for investigating contaminated sites or areas. Norfolk Southern's approach involved walking the area and "inspecting" the surface soil for evidence of ash or other debris from the derailment and subsequent intentional burn as the primary way of identifying where samples will be taken (Arcadis Report, p. 1). This approach is unscientific and unprofessional primarily because it is highly subjective and subject to bias that can influence the results. This is not what one would expect in a situation like the one in East Palestine. In fact, in over 40 years of evaluating contaminated sites, I've never seen EPA approve a soil sampling plan that was this vague and subjective.

It is not clear why EPA chose to collect subsurface as well as surface samples. In the March 6, 2023, soil sampling plan prepared by Arcadis, no reason is given for why subsurface samples were included in the sampling plan. It is surprising that they collected samples from subsurface soil as part of the sampling plan. The primary route of exposure of the pollutants resulting from the train derailment and subsequent intentional burn was transport of chemicals through the air as particulates and as volatile and semi-volatile substances. The anticipated impact area would have been primarily surface soil downwind from the site of the rail accident and intentional burn. In addition, dioxins are generally not water soluble, so transport of dioxins through the surface soil to the subsurface soil would not be expected.

Perhaps the reason that subsurface soil samples were collected was to gain general background information on the soil in the area impacted by the derailment and subsequent intentional burn. The contractor for Norfolk Southern described the goal of this sampling effort as follows:

"The purpose of this Plan is to guide soil inspection and sampling efforts on residential, commercial, and agricultural properties within the area identified for surface soil assessment in the UAO. The inspection and soil sampling described below will be conducted as a

preliminary step to evaluate whether shallow soil within that area has been impacted by constituents released during the vent and burn, specifically, by ash transported by aerial deposition and landing on soil” (Arcadis Report, p. 1).

The main concern raised when this plan was released was that the sampling and testing was not intended to identify the public health risks posed by the contamination throughout the community. It is a mystery why this would not have been the purpose of the dioxin sampling effort in East Palestine. This matters because the purpose of the plan determines the sampling that will be done and where the samples will be taken from. A more public health approach would include testing in areas where people live and where people directly experienced the smoke cloud from the derailment and intentional burn. Surprisingly, there is no mention in the sampling plan report about addressing the public health risks posed by the contamination caused by the burning of vinyl chloride and other toxic chemicals.

In this analysis, we did look at the subsurface soil data but decided not to include it in this report as it we did not deem this data to be relevant to the concerns about the presence of dioxins in surface soil in the areas impacted by the train derailment and subsequent intentional burn.

In the March 13, 2023 letter to EPA, the community asked that the agency lead the dioxin sampling “to provide transparency, rebuild public trust and comprehensively address the possible releases of dioxins from the disaster.” Included in this letter were requests for the following information:

- Goals and objective of the sampling plan;
- What environmental media – soil, dust, water, sediment, air – will be sampled;
- Sample locations for each medium type. It must include communities that were in the path of the plume;
- The number of samples that will be collected for each medium type;
- Sample collection procedures for each medium type;
- Detection limits for each medium type;
- Analytical procedures for each medium type;
- Which suite of dioxins will be analyzed. Total polychlorinated dioxins and furans should be measured as well as PCBs, especially the dioxin-like PCBs; and
- Details on quality control/quality assurance procedures.

Unfortunately, Norfolk Southern began collecting samples before EPA responded to this letter and most of these requests were ignored. The laboratory that conducted the sample analyses for Norfolk Southern did include the standard analytic test for dioxins which includes 17 different forms (congeners) of dioxin and other dioxin-like substances including dibenzofurans. The data EPA posted on its website did include testing results for these 17 dioxin congeners. However, neither EPA nor Norfolk Southern requested that the analyses include measurements for polychlorinated chlorinated biphenyls (PCBs) which also would have formed as a result of the intentional burning of vinyl chloride. PCBs are



considered dioxin-like substances because they behave like dioxins in the body and cause dioxin-like toxicity.

Another limitation in the lab analyses is that the lab did not generate a total dioxin equivalent or TEQ value for the sum of all the dioxins present in a particular sample. Generating a TEQ value for dioxin samples is normally standard operating procedure because it's the gold standard for analyzing the potential health risks posed by dioxin found in soil, air or water. It was up to EPA or Norfolk Southern to request that the lab generate TEQ values for each sample.

Without a TEQ value for each sample, we are left with a complicated set of results that are more difficult to understand and interpret, especially in the context of public health risks. It is not clear whether the directive not to generate a TEQ value came from EPA or Norfolk Southern.

In the absence of a TEQ value for each sample, we decided to focus on the three forms (congeners) of dioxin with the highest toxicity to human health. These are:

- 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)
- 1,2,3,7,8-pentachlorodibenzo-p-dioxin (1,2,3,7,8-PeCDD)
- 2,3,4,7,8-pentachlorodibenzofuran (2,3,4,7,8-PeCDF)

These substances have the highest dioxin toxicity factors, and therefore have the highest concern for public health. In general, these congeners make up a significant portion of the summed TEQ value for a particular sample.

This analysis is significantly further limited because EPA did not disclose the actual location of any of the samples that were collected. This is an important piece of information that is needed to evaluate and to understand the public health risks posed by the results. Without this information, it is not possible to independently evaluate and understand the public health risks posed by dioxin contamination in East Palestine.

### **Measurement of Dioxin Concentrations in Soil Samples**

The concentration of dioxins in the soil samples was reported by EPA in milligrams of a specific form (congener) of dioxin found per kilogram of soil (mg/kg). This concentration is equivalent to 1 part per million (ppm). It's not clear why EPA chose to use this unit of measure since the concentrations of the dioxins found in the samples were generally at much lower levels. Reporting the results this way makes it harder for people to follow and to understand. To compensate for this added complexity, we have converted the results to parts per trillion (ppt) to make it easier to follow. One mg/kg is equal to  $1 \times 10^6$  parts per trillion (ppt).

### **Concentration of Dioxins in Surface Soil**

The concentration of all three congeners of dioxin for all samples collected from surface soil ranged from 0.22 to 510 parts per trillion (ppt). For 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), the most



potent form of dioxin, the concentration in surface soil ranged from 0.22 to 510 parts per trillion (ppt). For 1,2,3,7,8-pentachlorodibenzo-p-dioxin (PeCDD), an equally potent form of dioxin, the concentration in surface soil ranged from 0.86 to 190 parts per trillion (ppt). For 2,3,4,7,8-pentachlorodibenzofuran (TCDF), the concentration in surface soil ranged from 1.5 to 100 parts per trillion (ppt). These results are summarized in Table 1.

It is clear from these sample results that there are a number of significant concentrations of 2,3,7,8-TCDD and 2,3,4,7,8-PeCDD in these samples. It would be important to identify where these samples were collected from and to evaluate why these samples had such high concentrations. Is it a hot spot of some kind? Was there unique fallout from the smoke cloud that settled there? It is important to conduct additional testing in this area in order to evaluate why these samples reported such high concentrations of dioxins.

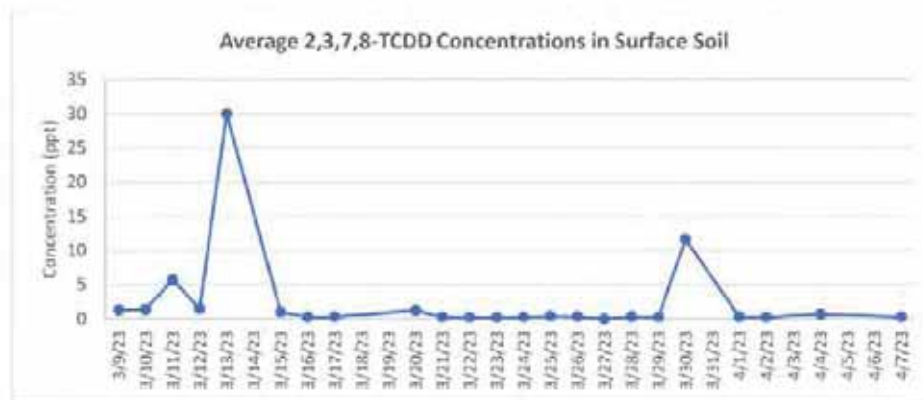
We also looked at the average concentration of these same three congeners of dioxin in surface soil. The average concentration of each of the three congeners of dioxin for all samples in surface soil ranged from 5.16 to 6.49 parts per trillion (ppt). For 2,3,7,8-TCDD, the average concentration in surface soil was 6.39 ppt. For 1,2,3,7,8-PeCDD, the average concentration in surface soil was 5.16 ppt and for 2,3,4,7,8-PeCDF, the average concentration in surface soil was 6.49 ppt. These results are summarized in Table 1 below. As stated above, without knowing the actual sample locations, it is difficult to draw conclusions about what this large range of measurements could mean.

**Table 1 – Minimum, Average, and Maximum Concentrations of Select Dioxin Congeners in Surface Soil.**

Concentration (ppt)	2,3,7,8-TCDD	1,2,3,7,8-PeCDD	2,3,4,7,8-PeCDF
Minimum	0.22	0.86	1.5
Average	6.39	5.16	6.49
Maximum	510	190	100

#### **Average Daily Concentration of Dioxins in Surface Soil**

The overall average concentration of each congener is useful, but it is also useful to understand how the concentration of each congener changed over time. To do this, we calculated the average concentration of each dioxin congener on each day. For example, 12 surface soil samples of each congener were collected on March 9, so we can average together the 12 measured concentrations of 2,3,7,8-TCDD. Doing this for every day samples were collected provides a calculation of the average daily 2,3,7,8-TCDD surface soil concentration. When we did this for TCDD, we found that the average daily surface soil concentration for TCDD ranged from 0.29 ppt to 30 ppt. These results are shown in Figure 2.



**Figure 2 – Average Daily Concentration of 2,3,7,8-TCDD in Surface Soil.**

We also did this PeCDD and PeCDF. The average daily surface soil concentration of 1,2,3,7,8- PeCDD ranged from 2.53 ppt to 17 ppt and the average daily surface soil concentration of 2,3,4,7,8-PeCDF ranged from 2.53 ppt to 40 ppt.

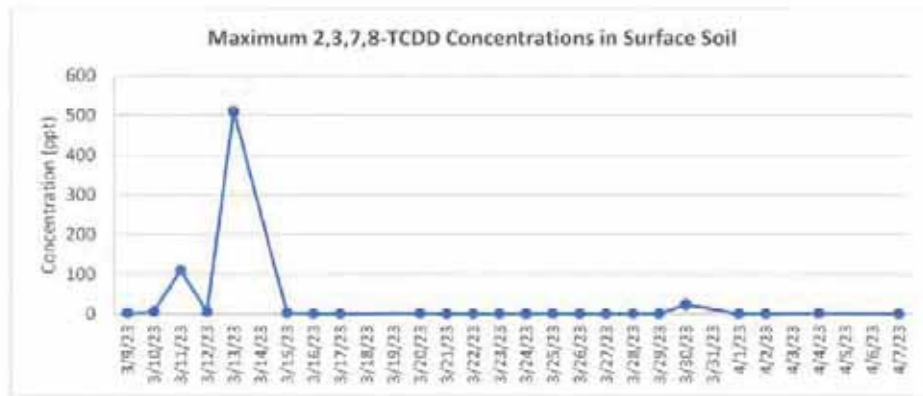
What's clear when you do this is that on March 13, 2023 (3/13), the average concentration of all three dioxin congeners in surface soil was an order of magnitude (ten times) higher than the average across all days. Figure 2 shows this for the 2,3,7,8-TCDD results. The highest surface soil concentration measured on 3/13 was 510 ppt. This is a high concentration so it is important to identify the location of this sample and if it is a residential property, to share this result with the people who live there. It's also important to evaluate why this sample had such a high concentration. Is it a hot spot? Was there unique fallout from the smoke cloud that settled there? It is important to conduct additional testing in this area in order to evaluate why this sample reported such a high concentration of dioxins.

EPA did not provide any explanation for the high concentration found on 3/13, especially compared to the results from sampling locations on other days.

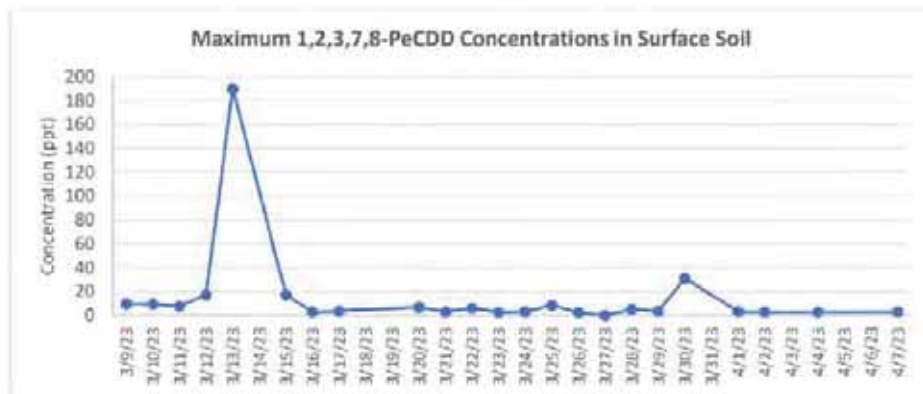
### **Maximum Daily Concentration of Dioxins Found in Surface Soil**

With the large range of concentrations measured for each dioxin congener, and the fact that there is potential danger to human health, it is also useful to understand the maximum daily concentration of each dioxin congener. This is particularly important for the two congeners with the highest toxicity, 2,3,7,8-TCDD and 1,2,3,7,8-PeCDD. Maximum surface soil concentrations for each day of sample collection are shown in Figure 3 for 2,3,7,8-TCDD and in Figure 4 for 1,2,3,7,8-PeCDD. In each case, surface soil measurements on 3/13 were two orders of magnitude (one hundred times) higher than on other days.





**Figure 3 – Maximum Daily Concentration of 2,3,7,8-TCDD in Surface Soil.**



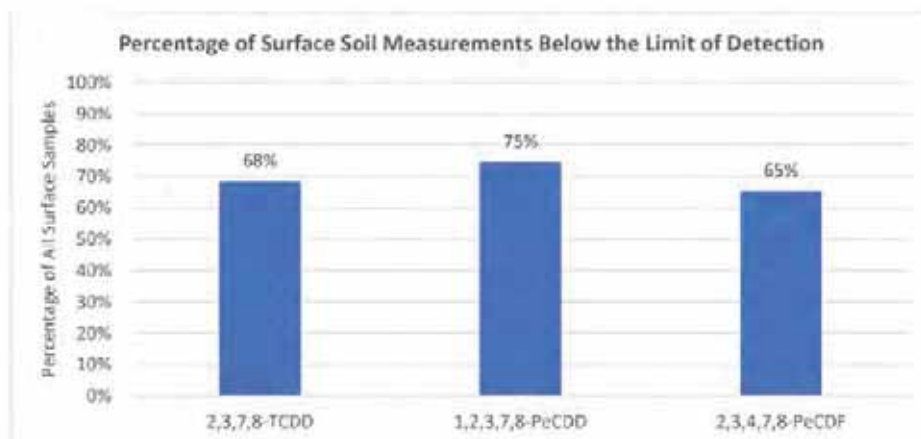
**Figure 4 – Maximum Daily Concentration of 1,2,3,7,8-PeCDD in Surface Soil.**

#### **Dioxin Concentrations Below the Limit of Detection**

In a substantial number of surface samples, the concentration of dioxin was found to be below the limit of detection used by the laboratory. The limit of detection is the lowest concentration of a substance that can be detected in a sample. It is determined by the sensitivity of the procedure used by the laboratory doing the analyses. Because EPA only made a summary of the lab results available to the public, it is not clear what the specific limit of detection was for each congener that was measured. Instead, the EPA summary results indicate a range of values identified as being “below the limit of detection.” The results for each dioxin congener are reported this way by EPA without identifying a specific limit of detection.

This unconventional approach makes it difficult to evaluate and to understand the public health risks posed by the results. Without this information, it is not possible to independently evaluate and understand the public health risks posed by the dioxin contamination in East Palestine.

Perhaps not surprisingly given the unusual and unconventional methods and procedures used by Norfolk Southern to collect these samples, a significant number of samples were described by EPA as being below the limit of detection. Of 130 surface soil samples that were collected, more than 69 percent of all samples were reported by EPA to have congener specific dioxin concentrations that were less than the limit of detection. For example, for 2,3,7,8-TCDD 89 of 130 samples (68%) were reported to have concentrations that were less than the limit of detection. For 2,3,4,7,8-PeCDD, 97 of 130 samples (75%) were reported to have concentrations that were less than the limit of detection. And for 2,3,4,7,8-PeCDF, 85 of 130 samples (65%) were reported to have concentrations that were less than the limit of detection. These results are summarized in Figure 5.



**Figure 5 – Percentage of Surface Soil Sample Measurements Below the Limit of Detection for Select Dioxin Congeners.**

Considering the many pollutants released into the air as particulates and as volatile and semi volatile substances from the train derailment and subsequent intentional burn of vinyl chloride and other toxic chemicals, this finding is highly unexpected. The question these results raise is not why so many samples were below the limit of detection, but rather are the results believable at face value? These findings may be a reflection of the unusual and unconventional methods and procedures used by Norfolk Southern to collect these samples, and not a true reflection of the dioxin concentrations in the areas impacted by the train derailment and subsequent intentional burn of vinyl chloride and other toxic chemicals. Additional testing is needed using standard testing procedures to verify these results and provide public confidence that the results accurately reflect the concentration of dioxins in the areas impacted by the derailment and intentional burn.

#### **Dioxin Concentrations Compared to EPA Guidelines**



Despite the many limitations and uncertainties in how these samples were collected, one can still consider the results at face value. One way to do this is compare the results to existing guideline or benchmark values. The US EPA has developed Regional Screening Levels (RSLs) to evaluate the potential for adverse effects to human health based on exposure to soil. In this case, we used the EPA's regional screening levels for residential property.

EPA's risk screening level table on their website includes two dioxins: 2,3,7,8-TCDD and a mixture of hexachlorodibenzo-p-dioxins. EPA's risk screening value for 2,3,7,8-TCDD is 4.8 parts per trillion (ppt) for a target cancer risk of one-in-a-million. This is a common health protective acceptable target risk value. The analysis for dioxin in East Palestine did not include a mixture of hexachlorodibenzo-p-dioxin, so that guideline value was put aside.

In addition to the 2,3,7,8-TCDD benchmark value, Arcadis, Norfolk Southern's contractor, proposed risk screening levels (RSLs) for all 17 congener specific dioxins (see page 118 of the Phase 1 Soil Sampling Plan). Table 2 below shows the number of surface soil samples with concentrations that exceeded the EPA's RSL for 2,3,7,8-TCDD as well as Arcadis's proposed RSL values for 1,2,3,7,8-PeCDD and 2,3,4,7,8-PeCDF. In 6 samples (5% of the samples), the concentration of 2,3,7,8-TCDD exceeded the EPA RSL for 2,3,7,8-TCDD. In the case of 1,2,3,7,8-PeCDD, 42 of 130 samples (32%) exceeded the Arcadis proposed RSL for 1,2,3,7,8-PeCDD. None of the samples had concentrations of 2,3,4,7,8-PeCDF that exceeded the Arcadis proposed RSL for 2,3,4,7,8-PeCDF. These results are shown in Table 2.

While this is a minority of samples, it does make clear that there are levels of dioxins in the area worth investigating further. Because EPA has not disclosed the sampling locations, it is unclear how many locations had dioxin concentrations above RSLs. Further still, because it's even unclear if the results occurred at the same location. It's important to identify where these samples were collected from and to evaluate why these samples had such these high concentrations. Is it a hot spot of some kind? Was there unique fallout from the smoke cloud that settled there? It is important to conduct additional testing in the East Palestine area in order to evaluate why these samples reported high concentrations of dioxins.

**Table 2 – Number and Percent of Surface Soil Samples of Select Dioxin Congeners Found to be Above EPA's Regional Screening Levels (RSLs).**

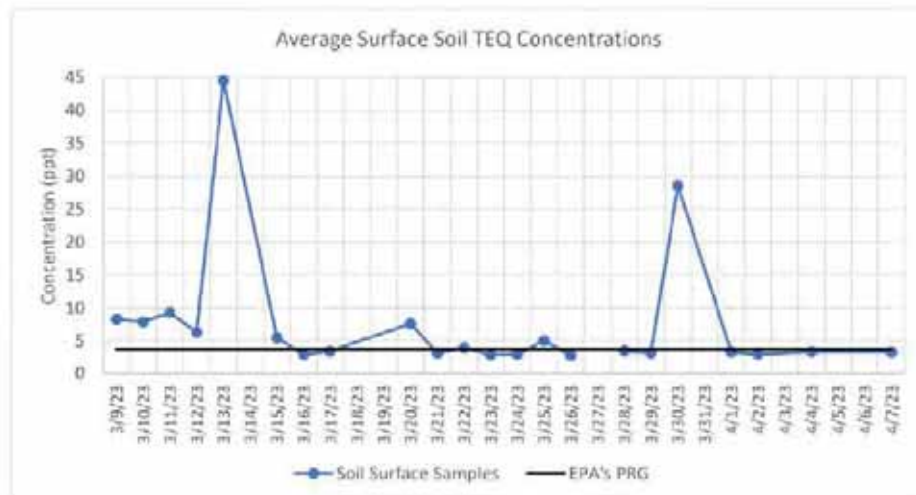
	2,3,7,8-TCDD	1,2,3,7,8-PeCDD	2,3,4,7,8-PeCDF
EPA's intermediate and chronic Regional Screening Level (RSL) (ppt)	4.8	4.8	16
Number of surface soil samples above RSL	6	42	0

Percent of surface soil samples above RSL	5%	32%	0%
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EPA did not provide any analysis of what risks these results may pose to residents, especially if residents live on or near property with high dioxin concentrations. It's not even clear that residents who might live on or near property with high concentrations of dioxins have been informed of these findings.

Another way to assess if concentrations of dioxins are significant and warrant action is to use EPA's guidelines to calculate the total toxic equivalent (TEQ) value for the combination of the dioxins with the highest toxicity, 2,3,7,8-TCDD and 1,2,3,7,8-PeCDD. These calculations can be compared to EPA's proposed (in 2010) Preliminary Remediation Goal (PRG) for dioxin of 3.7 parts per trillion (ppt) TEQ for residential soil. Doing this would provide a conservative estimate of the total TEQ value since only two congeners would be included in the TEQ calculation. This would underestimate the total TEQ value.

EPA itself did not calculate TEQ values for the East Palestine dioxin data, which is concerning because this is the gold standard for analyzing the potential health risks of dioxin concentrations. EPA has done these calculations in other instances of suspected dioxin contamination and provided no explanation for why they were not calculated here. According to EPA, "if an exposure area has an average concentration above the PRG, some level of remediation is needed." The PRG is shown as a black line in Figure 6 below. It's clear from this figure that there are ten days in which the calculated average TEQ value was above EPA's PRG. This suggests that dioxin levels at the locations sampled on these days were significantly high. Because EPA did not provide information about sampling locations, it is unclear how many locations these high TEQs represent or what human activity near those locations may be at risk of exposure. EPA did not indicate that remediation efforts would take place in or around these or any sample locations.





**Figure 6 – Average Daily TEQ for the Combination of 2,3,7,8-TCDD and 1,2,3,7,8-PeCDD. The black line reflects the Proposed PRG for Dioxin of 3.7 ppt TEQ for residential soil.**

Based on this analysis, it is clear that a significant number of samples that were collected as part of EPA's dioxin sampling effort in East Palestine exceed EPA and other benchmarks and guidelines for evaluating the public health risks of dioxins and warrant additional action. Specifically, EPA needs to conduct additional testing in the areas where high levels were found in order to evaluate if these areas represent hotspots or whether there are other reasons why the concentration of dioxins were high in these areas. A scientist appointed by the community needs to be included in this follow-up testing and investigation. It is also evident that EPA needs to take action to communicate to residents living near these sample locations if this has not already been done.

### **Limitations of EPA's Testing and Sampling Plan**

There are many limitations in EPA's dioxin testing approach that made the likelihood of finding positive results very small. These limitations include the following:

- The initial sampling plan developed by Arcadis for Norfolk Southern and approved by EPA was never intended to identify the public health risks posed by the contamination in the community caused by the derailment and subsequent intentional burning of vinyl chloride and other toxic chemicals. Arcadis defined the purpose of the proposed sampling plan as "a guide to soil inspection" (Arcadis Report, p. 1). This general description defines what sampling will be done and where the samples will be taken from and is consistent with the vague sampling approach taken by Norfolk Southern.
- The approach for determining where to collect samples developed by Arcadis for Norfolk Southern and approved by EPA was highly unusual and did not follow standard procedures for investigating contaminated sites or areas. Norfolk Southern's "soil inspection" approach involved walking the area and "inspecting" the surface soil for evidence of ash or other debris from the derailment and subsequent intentional burn as the primary way of identifying where samples will be taken (Arcadis Report, p. 1). In over 40 years of evaluating contaminated sites, I've never seen EPA approve a soil sampling plan that was this vague and subjective.
- The samples were collected more than one month after the train derailment, so weather conditions and human activity would likely have interfered with surface soil conditions and influenced the results of the sampling, especially given the "visual" inspection approach used by Norfolk Southern. It's unclear how accurately the surface soil sampling results reflect the emissions fallout from the derailment and intentional burn.
- No information is provided on the actual location of where samples were taken. Subsequently, it's unclear how close collected samples were to the immediate site of the derailment and intentional burn and how many samples were taken from downwind of the immediate site of the derailment and intentional burn. It's also unclear if the samples with significant concentrations of dioxins

reflect hot spots or other evidence of contamination from the emissions fallout from the derailment and intentional burn.

- EPA failed to require Norfolk Southern to report its dioxin results in TEQ values. TEQ is the Gold Standard for analyzing and evaluating the potential health risks of dioxin concentrations in soil, air or water. This makes interpreting the results unnecessarily complicated and difficult.
- The EPA and Norfolk Southern failed to request that the lab analyze the soil samples for polychlorinated chlorinated biphenyls (PCBs) which also would have formed as a result of the intentional burning of vinyl chloride. This limits what we know about the public health risks posed by the intentional burning of vinyl chloride and other toxic chemicals by Norfolk Southern.
- No samples collected as part of this effort were taken from the areas directly and immediately impacted by the derailment and subsequent intentional burning of vinyl chloride and other toxic chemicals. As a result, it's unclear what the concentration of dioxins was in the surface soil at the immediate site of the derailment and intentional burn. These areas may have been included as part of other sampling conducted by Norfolk Southern, but if that is the case, those results have not been released to the public and they should be. Without this information, it's not possible to gain a complete and comprehensive understanding of the public health risks posed by the derailment and subsequent intentional burning of vinyl chloride and other toxic chemicals.

### **Outstanding Questions about EPA's Testing Methodology**

Since the initial letter submitted to EPA on March 13, 2023, the community has continued to raise questions about sampling locations, collection, measurement and analysis that have yet to be answered including in the agency's most recent correspondence to Jami Wallace of the Unity Council for East Palestine Train Derailment and Daniel Winston of River Valley Organizing dated September 14, 2023. The following questions remain unanswered or unaddressed by EPA and the residents of East Palestine still want the agency to answer these questions. Full analysis of the data and the potential risks to residents cannot be conducted without this information. Without this information, it's also not possible to determine if the areas impacted by emissions fallout from the derailment and intentional burn have been appropriately and adequately tested for dioxins and other toxic chemicals released during this event.

1. Where are the sampling locations for each measurement?
2. How was the number of samples to be collected on each day chosen?
3. EPA used a nonstandard approach for selecting sample locations that was uncharacteristic, unscientific, and unprofessional. Why was an objective sampling approach (such as a grid plan or concentric circle plan) to get unbiased sampling not used in this situation.
4. Concentrations of congener specific dioxins were significantly high on March 13<sup>th</sup> and March 30<sup>th</sup> (and to a lesser extent on March 10<sup>th</sup>). What were the sample locations on these days and why were the results orders of magnitude higher than most other measurements? If you cannot answer this question, then additional testing needs to be done at these same locations



to verify the results and investigate why the concentrations of dioxins were so high at these locations on these days.

5. What were the weather conditions and human activity on each day of sample collection at each sampling location? Weather conditions such as wind or rain and human activity could affect sample collection, measurement, and interpretation.

6. The community's ability to analyze and interpret the data is significantly limited by the fact that the number and locations of samples have not been provided by EPA. How does EPA intend for the community to use this data without that information?

7. Why did EPA not release any data analysis along with its summary measurements of dioxins?

8. In the past EPA has calculated TEQs for dioxins – why was that not done for each measurement here?

9. Can EPA provide the actual laboratory results for all the surface soil sampling results for dioxins?

10. Does EPA intend to investigate the high dioxin concentrations that were found as part of this initial soil sampling effort? If not, why not.

## Summary and Conclusions

The many outstanding questions and limitations of EPA's dioxin testing make it difficult to trust, believe, and accept the results as providing an accurate understanding of the concentration of dioxins in the surface soil in the areas of East Palestine that were impacted by the train derailment and subsequent intentional burn of vinyl chloride and other toxic chemicals. Instead, the results of the EPA testing for dioxins may reflect the unusual and unconventional methods and procedures used by Norfolk Southern to define where and how to collect samples.

Based on the data provided by EPA and the information provided to support that data and how it was collected, it is not possible to tell 1) where dioxin contamination is or isn't, or 2) what the concentrations of dioxins are at a given location. Furthermore, EPA did not disclose the actual location of any of the samples that were collected. This is an important because it is needed to evaluate and to understand the public health risks posed by the results. Without this information, it is not possible to independently evaluate and understand the public health risks posed by the dioxin contamination in East Palestine.

Surprisingly, there is no mention in the sampling plan report about addressing the public health risks posed by the contamination caused by the burning of vinyl chloride and other toxic chemicals.

Despite the many limitations in the testing approach, some sample measurements did detect significant levels of dioxins. A significant number of samples that were collected as part of EPA's dioxin sampling effort in East Palestine exceed EPA and other benchmarks and guidelines for evaluating the public health risks of dioxins and warrant additional action.

Yet, EPA has refused to conduct additional testing or take any action to address these findings. It is clear, for example, that significant concentrations of 2,3,7,8-TCDD and 2,3,4,7,8-PeCDD were found in the surface soil. Concentrations of 2,3,7,8-TCDD were found as high as 510 ppt, more than 100 times higher than the EPA's Regional Screening Levels (RSL) for TCDD. This is a significant finding that needs to



be addressed. A total of 6 samples had concentrations of 2,3,7,8-TCDD that exceeded the EPA RSL for 2,3,7,8-TCDD. In addition, 42 samples had concentrations of 1,2,3,7,8-PeCDD that exceeded the Arcadis proposed RSL for 1, 2,3,7,8- PeCDD. However, it is unclear where these samples were taken from, or even if any of the results occurred at the same location. It's important identify where these samples were collected from and to evaluate why these samples had such high concentrations. Is it a hot spot of some kind? Was there unique fallout from the smoke cloud that settled there?

Furthermore, EPA did not provide any analysis of what risks these results may pose to residents, especially if residents live on or near property with high dioxin concentrations. It's not even clear that residents who might live on or near property with high concentrations of dioxins have been informed of these findings.

Specifically, EPA needs to conduct additional testing in the areas where high levels were found in order to evaluate if these areas represent hotspots or whether there are other reasons why the concentrations of dioxins were high in these areas. A scientist appointed by the community needs to be included in this follow-up testing and investigation. It is also evident that EPA needs to take action to communicate to residents living near these sample locations.

Thus far EPA has not shared comprehensive sampling details that would allow the community and its scientific advisors to independently evaluate this sampling effort. The agency has also failed to provide transparency in its sampling and analytical procedures. Once sampling has been conducted, results have not been released in a transparent, accessible, or easy to understand manner. This unconventional approach has made it difficult to evaluate and to understand the public health risks posed by the results. Without the information, it is not possible to independently evaluate and understand the public health risks posed by the results. This has further eroded public trust in EPA's goals, data, and commitment to public health. In order to properly communicate this information to the community and instill confidence in the information, EPA must provide its sampling plans, procedures and results in a transparent and accessible manner. This has not been the case thus far.

In spite of the Norfolk Southern collecting more than 260 surface and subsurface soil samples, the people of East Palestine still have many questions about their potential exposure to dioxins. People continue to ask EPA for more testing which the agency continues to deny. Based on this analysis of the EPA's testing approach and results, additional testing is clearly needed. This additional testing should be designed to address the public health risks posed by the contamination caused by the derailment and subsequent burning of vinyl chloride and other toxic chemicals. Conducting this additional testing will go a long way towards addressing the many questions people have.

We continue to recommend that EPA conducted the following sampling for dioxins and dioxin like substances:

- In soils at homes, parks, schools, farms, and other locations downwind of the derailment;
- In indoor dust and surfaces inside homes and other buildings downwind of the derailment;
- In farm animals, milk, and chicken eggs in farms that may be impacted by the derailment;

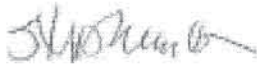


- In sediments, fish, salamanders (e.g., endangered Hellbender salamanders in OH), and other aquatic life including vegetation; and
- In wildlife in the area, including birds and deer, which may be hunted.

The community has given EPA ample opportunities to build trust, engage with the public, and provide information. EPA has responded with a complicated presentation of its results in which nothing is clear and little makes sense, rather than being forthcoming about its plans, processes and results. Furthermore, EPA has provided no analysis of their results.

We hope these comments are helpful. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



Stephen U. Lester  
Science Director



Mihir Vohra  
Science Fellow

*100 Environmental Groups Sign On to Letter to EPA on Dioxin Testing*

*March 13, 2023*

Michael Regan, EPA Administrator  
Janet McCabe, Deputy Administrator  
Debra Shore, EPA Region 5 Administrator  
Adam Ortiz, EPA Region 3 Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

March 13, 2023

**RE: Dioxins and the East Palestine Train Derailment**

Dear Administrator Regan, Deputy Administrator McCabe, Regional Administrator Shore, and Regional Administrator Ortiz:

**Although delayed, we welcome the U.S. Environmental Protection Agency (EPA)'s announcement on March 2, 2023 that it will now require Norfolk Southern to test for dioxins in the areas impacted by the East Palestine train derailment. We are writing to share our recommendations on how this testing should be conducted to improve transparency, rebuild public trust, and comprehensively address possible releases of dioxins from the disaster.** We join Senators Sherrod Brown (D-OH) and J. D. Vance (R-OH) in urging EPA to require thorough testing for dioxins.

As you know, dioxins are extremely persistent bioaccumulative toxic (PBT) chemicals that break down very slowly, build up in the food chain and in our bodies, and can cause cancer and other serious health problems. In the EPA's own words, "Dioxins are highly toxic and can cause cancer, reproductive and developmental problems, damage to the immune system, and can interfere with hormones." Indeed, dioxins are one of the most toxic chemicals known to humankind and have been targeted for global phase-out under the POPS Treaty. It was the primary contaminant in Agent Orange, the defoliant used in Vietnam, and a key contaminant at both Love Canal and Times Beach.

**EPA must lead the dioxin sampling, not Norfolk Southern.**

To date, Norfolk Southern has done an extremely poor job of building trust with the community of East Palestine and other communities impacted by the disaster. To ensure this testing is adequately conducted, and to rebuild public trust, we strongly recommend the U.S. EPA itself conduct the dioxin sampling or hire its own consultants to conduct the testing. Norfolk Southern should not be in charge of the dioxin sampling. This testing must be paid for by the responsible parties, not taxpayers.

**The dioxin sampling plan must be transparent and released for public input.**

Without comprehensive testing, the people in East Palestine and other communities in Ohio and Pennsylvania will not know the extent to which dioxins are an issue. To build trust and confidence in the



results, a transparent process for developing a sampling plan needs to be the next step. The sampling plan must identify and state:

- Goals and objective of the sampling plan;
- What environmental media – soil, dust, animals, water, sediment, air – will be sampled;
- Sample locations for each medium type; It must include communities that were in the path of the plume.
- The number of samples that will be collected for each medium type;
- Sample collection procedures for each medium type;
- Detection limits for each medium type;
- Analytical procedures for each medium type;
- Which suite of dioxins will be analyzed. Total polychlorinated dioxins and furans should be measured as well as PCBs, especially the dioxin-like PCBs;
- Details on quality control/quality assurance procedures; and
- What analytical laboratory will analyze the samples.

**The proposed sampling plan should be made public and given to area residents to review and comment on before the testing begins.**

All sampling data and test results should be made available to the public for review in a transparent and easily accessible format. This information must be accessible for review, given the need for results to be meaningful to impacted communities as well as to build trust through transparent action.

**The dioxin sampling plan must be comprehensive.**

Responders reportedly punctured and burned more than 115,000 gallons of vinyl chloride in uncontrolled conditions for numerous days, making it likely that dioxins and related chlorinated substances were formed and released into the communities surrounding the disaster site. Four train cars of polyvinyl chloride plastic also burned, also likely forming dioxins. There have been elevated levels of dioxins released in other major accidents involving chlorinated chemicals—from the 2004 explosion at the PVC plant in Illiopolis, Illinois, to the 1997 Plastimet PVC recycling fire in Ontario, to the 2001 World Trade Center attacks. A study of a European train carrying vinyl chloride that derailed and burned found background dioxin values measured in soils and plants generally in the range of 20 ng TEQ/kg in the surrounding area but increased to 8300 ng at the very seat of the fire. Producers of PVC and vinyl chloride monomer report releasing dioxins. Oxy Vinyls' vinyl chloride monomer (VCM) plant in Texas reported the greatest releases of dioxins compared to any other facility in the country, according to the EPA 2021 TRI dioxin factsheet.

The EPA must work to evaluate whether elevated levels of dioxins may have been released and contaminated various environmental media, not just soil. **The EPA must develop a comprehensive multimedia testing program into the possible release of dioxins, other chlorinated ring compounds, and other toxic byproducts from the disaster.** We recommend sampling for dioxin and other chlorinated ring compounds (such as chlorinated PAHs) is conducted:

- In soils at homes, parks, schools, farms, and other locations downwind of the derailment;
- In indoor dust and surfaces inside homes and other buildings downwind of the derailment;

- In farm animals, milk, and chicken eggs in farms that may be impacted by the derailment; and
- In sediments, fish, salamanders (e.g. endangered Hellbender salamanders in OH), and other aquatic life including vegetation.
- In wildlife in the area, including birds and deer, which may be hunted

We are concerned that EPA may be overly reliant on samples for “indicator chemicals” such as chlorobenzenes and chlorophenols. In its March 2<sup>nd</sup> press release, EPA stated that: “monitoring for indicator chemicals has suggested a low probability for release of dioxin from this incident.” This is concerning for a few reasons. According to the EPA’s website, Soil and Sediment Sampling Data: East Palestine, Ohio Train Derailment | US EPA, the reporting limit for chlorophenols (and dibenzofurans, a close relative of dioxins) is 53-65 mg/kg of soil or sediment. For chlorobenzenes, the reporting limit is much lower at 0.05-0.06 mg/kg. As EPA scientists are undoubtedly aware, chlorobenzenes are much more volatile than chlorophenols or dioxins. So, we would expect that any chlorobenzenes that formed would have evaporated from the soil. Dioxins, however, are persistent in soil and sediments and are toxic at extremely low levels. EPA’s soil screening level for dioxin is 1 ppb and the EPA has previously proposed stringent preliminary remediation goals (PRGs) for dioxins at contaminated sites at 72 PPT TEQ for residential soil (for non-cancer effects) and were also considering 3.7 PPT TEQ for residential soil (for cancer effects). We need soil/sediment testing in E Palestine at much lower levels of detection than 50-60 mg/kg.

Finally, we recommend the EPA work with other agencies to provide medical monitoring for impacted communities, especially East Palestine and those in the combustion plume, that desire it.

**Communities surrounding and downwind of the derailment have a right to know whether the fire resulted in elevated concentrations of dioxins. The testing must be transparent and comprehensive. This would help demonstrate EPA’s commitment to comprehensively responding to this disaster, rebuilding trust with East Palestine and other impacted communities, and advancing environmental justice.**

We request an opportunity to meet with you. Please contact Mike Schade at [mschade@toxicfreefuture.org](mailto:mschade@toxicfreefuture.org) / 646.783.3477 to arrange a mutually convenient time.

Sincerely,

Amanda Kiger, Executive Director  
River Valley Organizing  
Ohio

Mardy Townsend, President  
Ashtabula, Geauga, Lake Counties Farmers Union  
Ohio

Heather Cantino, Steering Committee Chair  
Athens County's Future Action Network, [acfan.org](http://acfan.org)



Ohio

Zach Bollheimer Interim, Executive Director  
Buckeye Environmental Network  
Ohio

Margaret Mills, President of the Board  
FaCT - Faith Communities Together for a Sustainable Future  
Ohio

Lea Harper, Managing Director,  
FreshWater Accountability Project  
Ohio

Melanie Houston, Managing Director of Water Policy,  
Ohio Environmental Council  
Ohio

Joe Logan, President  
Ohio Farmers Union  
Ohio

Rex Dickey  
Ohio Residents Concerned about East Palestine Accident  
Ohio

Jill Hunkler, Director  
Ohio Valley Allies  
Ohio

Carolyn Harding, Organizer  
RadioactiveWasteAlert.org  
Ohio

Barbara Pace, Board  
Allegheny County Clean Air Now  
Pennsylvania

Nora Johnson, Secretary  
Beaver County Marcellus Awareness Community (BCMAC)  
Pennsylvania

Matthew Mehalik, Executive Director

Breathe Project  
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Dani Wilson, Executive Director  
Cancer and Environment Network of Southwestern Pennsylvania  
Pennsylvania

Joseph Minott, Esq., Executive Director and Chief Counsel  
Clean Air Council  
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Sandy Field, Chair  
Climate Reality Project: Susquehanna Valley PA Chapter  
Pennsylvania

Pouné Saberi, MD, MPH  
Concerned Health Professionals of Pennsylvania  
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Alison L. Steele, Executive Director  
Environmental Health Project  
Pennsylvania

Shannon Smith, Executive Director  
FracTracker Alliance  
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Terrence Collins, Teresa Heinz Professor of Green Chemistry and Director  
Institute for Green Science,  
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Ashley Funk, Executive Director  
Mountain Watershed Association  
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Tamela Trussell  
Move Past Plastic (MPP)  
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Patrick McDonnell, President & CEO  
PennFuture  
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Dianne Peterson, PASUP Steering Committee Member  
Pittsburghers Against Single Use Plastic (PASUP)  
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Gillian Graber, Executive Director  
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Glenn Olcerst, Co-Founder & General Counsel  
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Michelle Naccarati-Chapkis, Executive Director  
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Katie Huffling, Executive Director  
Alliance of Nurses for Healthy Environments  
Maryland

Mashal Awais, Community Science Manager  
Bayou City Waterkeeper  
Texas

Jane Winn, Executive Director  
Berkshire Environmental Action Team (BEAT)  
Massachusetts

Judith Enck, President  
Beyond Plastics  
Vermont

Nancy Tudor, Organizer-Volunteer  
Beyond Plastics Schenectady  
New York

Dr. Astrid Williams, Environmental Justice Program Manager  
Black Women for Wellness  
California

Lisette van Vliet Senior, Policy Manager  
Breast Cancer Prevention Partners (BCPP)  
California

Chloe Brown, Policy Associate  
Californians Against Waste  
California

  
Washington



Pat Gonzales, Founder/Director  
Caring for Pasadena Communities  
Texas

Juan B. Mancias Tribal Chairman, Executive Director  
Carrizo Comecrudo Tribe of Texas  
Texas

Dr. Arthur Bowman III, Policy Director  
Center for Environmental Health  
California

Carroll Muffett, President  
Center for International Environmental Law  
District of Columbia

Carol Van Strum, Founder  
Citizens Against Toxic Sprays  
Oregon

Tracy Frisch, Chair  
Clean Air Action Network of Glens Falls  
New York

Barbara Heinzen, Member  
Steering Group Clean Air Coalition of Greater Ravena-Coeymans  
New York

Emily Donovan, Co-Founder  
Clean Cape Fear  
North Carolina

Mark Rossi, Executive Director  
Clean Production Action  
Massachusetts

Lynn Thorp, National Campaigns Director  
Clean Water Action  
District of Columbia

Kristin Schafer, Director  
Collaborative for Health and Environment (CHE)

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Jill Berman, Ed. D., Co-Founder  
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Mady Hornig, Associate Professor  
Columbia University  
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Sharon E. Lewis, Executive Director  
Connecticut Coalition for Economic and Environmental Justice  
Connecticut

Maya Rommwatt, Sr. Market Campaigner  
Defend Our Health  
Maine

Daniel Savery, Senior Legislative Representative  
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Mark Dunlea, Co-Chair  
EcoAction Committee of the Green Party of the U.S.  
New York

Rebecca Meuninck, Deputy Director  
Ecology Center  
Michigan

ML Ballweg, President/Executive Director  
Endometriosis Association  
Wisconsin

John Peck, Executive Director  
Family Farm Defenders  
Wisconsin

Yvette Arellano, Director  
Fenceline Watch  
Texas

Jill Ryan, Executive Director



Freshwater Future  
Michigan

Paloma Henriques, Senior Petrochemical Campaigner  
Friends of the Earth  
District of Columbia

Patti Wood, Executive Director  
Grassroots Environmental Education  
New York

H. William Copeland, MD, Director  
Greater Northfield Watershed Association  
Massachusetts

Emma Kriss, Food Campaigns Manager  
Green America  
District of Columbia

Ebony Twilley Martin, Executive Director  
Greenpeace USA  
Washington

Jaydee Hanson, Policy Director  
International Center For Technology Assessment  
District of Columbia

  
California

Kirstie Pecci, Executive Director  
Just Zero  
Massachusetts

Madeleine Foote, Deputy Legislative Director  
League of Conservation Voters  
District of Columbia

Dave Arndt, Director  
Locust Point Community Garden  
Maryland

Sydney Cook, Director of Science & Research

MADE SAFE  
New York

Jim Vallette, President  
Material Research  
Maine

Laurene Allen, Co-Founder  
Merrimack Citizens for Clean Water  
New Hampshire

Zen Honeycutt, Founder  
Moms Across America  
North Carolina

Patrice Tomcik, Senior National Field  
Manager Moms Clean Air Force  
District of Columbia

Cynthia Palmer, Senior Analyst, Plastics and Petrochemicals  
Moms Clean Air Force  
District of Columbia

Kathleen A. Curtis, Founding Director  
Moms for a Nontoxic New York  
New York

Jane Thomason, Lead Industrial Hygienist  
National Nurses United  
California

Angel DeFazio, BSAT, BCNHP, President  
National Toxic Encephalopathy Foundation  
Nevada

Rosemary Wessel, Program Director  
No Fracked Gas in Mass  
Massachusetts

Julie Davenson  
NOFA NH  
New Hampshire



Niaz Dorry, Coordinating Director  
North American Marine Alliance  
Massachusetts

Lisa Adamson, Partner  
North Country Earth Action  
New York

Steve Gilman, Interstate NOFA Policy Coordinator  
Northeast Organic Farming Association-Interstate Council  
New York

Frank Rocchio, Founder  
Ohio Valley Environmental Advocates (OVEA)  
West Virginia

Jamie Pang, Environmental Health Program Director  
Oregon Environmental Council  
Oregon

Dr. [REDACTED]  
Maryland

Dianna Cohen, CEO & Co-Founder  
Plastic Pollution Coalition  
California

Ron Kaminkow, Organizer  
Railroad Workers United  
Illinois

[REDACTED] MD  
Maryland

Tony Tweedale  
RISK Consultancy  
Michigan

Sheyda Esnaashari, Drinking Water Program Director  
River Network  
District of Columbia

Roger Cook, Board Co-Chair  
Riverside-Salem United Church of Christ  
New York

Sarah Doll, National Director  
Safer States  
Oregon

Diane Wilson, Executive Director  
San Antonio Bay Estuarine Waterkeeper  
Texas

Ted Schettler MD, MPH, Science Director  
Science and Environmental Health Network  
California

Deborah Moore, Executive Director  
Second Look  
Vermont

Yvonne Taylor, Vice President  
Seneca Lake Guardian  
New York

Leslie Fields, Director - Policy, Advocacy and Legal  
Sierra Club  
District of Columbia

  
North Carolina

Dana Colihan, Co-Executive Director  
Slingshot  
Maine

Juan & Ana Parras, Co-Founder  
TEJAS  
Texas

Jan Dell, Independent Engineer  
The Last Beach Cleanup  
California



Jackie Nuñez, Founder  
The Last Plastic Straw  
California

Sam Pearse, Lead Campaigner  
The Story of Stuff Project  
California

Crystal Cavalier, Policy Director  
Toxic Free NC  
North Carolina

Mike Schade, Director,  
Mind the Store Toxic-Free Future  
New York

Bindu Panikkar, Associate Professor  
University of Vermont  
Vermont

Monica Unseld, Ph. D, MPH, Founder and Executive Director  
Until Justice Data Partners  
Kentucky

Jon Groveman, Policy Director  
Vermont Natural Resources Council  
Vermont

Peggy Shepard, Co-Founder & Executive Director,  
WE Act for Environmental Justice  
New York

Juliann Salinas, Executive Director  
Women, Food and Agriculture Network  
Iowa

Jamie McConnell, Deputy Director  
Women's Voices for the Earth  
Montana

██████████ PhD, MPA

Massachusetts

[REDACTED] New

Jersey

[REDACTED]

Canada

Rebecca Altman, PhD

Rhode Island

CC:

Brenda Mallory, Chair, White House Council on Environmental Quality

Matthew Tejada, Director, EPA Office of Environmental Justice

Barry Breen, Acting Assistant Administrator, EPA Office of Land and Emergency Management

Anne Heard, Acting Deputy Assistant Administrator, EPA Office of Land and Emergency

Management

Larry Douchand, Director, Office of Superfund Remediation and Technology Innovation

Doug Ballotti, Director, EPA Region 5 Superfund and Emergency Management Division

Paul Leonard, Director, EPA Region 3 Superfund & Emergency Response Division

Grant Cope, Senior Counselor to the Administrator, EPA

*Summary of Soil Testing for Dioxins East Palestine*

*February 11, 2024*

#### **Summary of Soil Testing for Dioxins East Palestine**

Over the last twelve months, Scott Smith has taken a total of 63 soil samples through February 11, 2024 with results that have come back from the independent laboratory, Eurofins Lancaster Laboratories. This testing was done at the request of the community that could not get testing done elsewhere. Hence, this was targeted testing with people that were reporting health symptoms. Arcadis, a Norfolk Southern and EPA contractor, clearly set the Regional Screening Level ("RSL" and sometimes referred to as Residential Screening Level) at 4.8 ppt (parts per trillion) Dioxin TEQ (Toxic Equivalency).



Utilizing the RSL of 4.8 ppt, the good news is that a majority of 54% of the Dioxin TEQ results are less than the RSL of 4.8 ppt. Approximately 46% of the results show a Dioxin TEQ above 4.8 ppt and require follow up testing per the recommendation of Arcadis.

Furthermore, we have also compared these testing results to commonly referred to background Dioxin TEQ values of 6 ppt for residential non-impacted communities, and Dioxin TEQ values of 8 ppt for urban non-impacted communities. Approximately 40% of the results exceeded 6 ppt and 33% exceed 8 ppt.

Again, this is good news for the community of East Palestine in that the majority of Dioxin TEQ soil testing shows testing results are within background and/or below the RSL. This allows us to focus on follow up testing for the minority of results that showed elevated Dioxin levels.

<b>East Palestine Number of Dioxin Soil Samples as of February 1, 2024</b>	<b>63</b>	
<b>Samples &gt;3 ppt TEQ (Rural Background for Non-Impacted Communities)</b>	<b>44</b>	<b>70%</b>
<b>Samples &gt;4.8 ppt TEQ (Arcadis Proposed RSL Sep 7, 2023)</b>	<b>29</b>	<b>46%</b>
<b>Samples &gt;6 ppt TEQ (Residential Background for Non-Impacted Communities)</b>	<b>25</b>	<b>40%</b>
<b>Samples &gt;8 ppt TEQ (Urban/Industrial for Non-Impacted Communities)</b>	<b>21</b>	<b>33%</b>

The following table represents that testing results as described above:

#### **Summary of Garden Crop Testing for Dioxins East Palestine**

While garden crop testing is limited at this point, relying on conjecture and models is wholly inadequate. We have found garlic from gardens or residents of East Palestine with Dioxin TEQ's as high as 440 ppt. While there are not enough data to draw any conclusions at this time, what can be stated is the urgent necessity of immediate additional testing and not relying on conjecture or models for the safety and well-being of the community.

The follow table represents the preliminary garden crop/garlic testing to date:

<b>Garlic Dioxin TEQ Comparisons</b>	<b>Parts per Trillion (ppt)</b>	<b>% Increase</b>
<b>Control Garlic</b>	<b>0.81</b>	<b>-</b>
<b>Garlic</b>	<b>4.5</b>	<b>456%</b>
<b>Garlic</b>	<b>440</b>	<b>54221%</b>
<b>Note 1:</b> Control garlic is from a sealed container from [REDACTED] Prior to Derailment.  <b>Note 2:</b> This is preliminary data and more testing needs to be done before definitive conclusions are made.		

### Summary of ██████ Test Results for East Palestine

█████ an East Palestine resident whose home sits above Sulphur Run Creek, is well known from the visit with EPA Administrator Michael Regan and Ohio Governor Dewine. ██████'s home has been testing several times for Dioxins and SVOC's in her soil.

Recent coverage of ██████ latest test results is here: [East Palestine resident: We 'need to be heard' by Biden | Cuomo](#)

The following is a summary of ██████'s preliminary results to date and why they are important:

Bottom Line: This data suggests that the excavation and cleanup may have created more/increased contamination from the derailment in East Palestine which is why comprehensive tested should have been done and needs to continue.

Something that is very significant for ██████'s furnace filter and soil testing and for the entire East Palestine community is the following:

1. ██████ and her family moved out on February 5, 2023 and still have not been back living in the house. **This is a key fact to counter what appears to be the false narrative from the EPA/Norfolk Southern that "everything is ok, within background, and the residents exposed themselves to everyday chemicals from cleaning and their lifestyle."**
2. ██████'s soil showed a significant increase in Dioxins from May to September. The most toxic dioxin congener 2,3,7,8-TCDD was found at 1.2 ppt in September but was not present in May. Furthermore, Semi-Volatile Organic Compounds ("SVOC's") increased from 4,360 ppb to 18,450 ppb. **The data suggest that the excavation and cleanup may have created more contamination in East Palestine which is why comprehensive tested should have been done and needs to continue.**

Dioxin TEQ Soil	Parts per Trillion (ppt)	% Increase vs Control	
Background Residential Soil	6	-	
█████ Soil May-16	27	350%	
█████ Soil Sep-25	34	467%	note: 26% increase since May-2023
Note: TCDD was found in Krissy's Soil on Sep-25 at 1.2 ppt			
Total SVOCs Soil	Parts per Billion (ppb)	% Increase from May-16	
█████ Soil May-16	4,360	-	
█████ Soil Sep-25	18,540	325%	

# EXHIBIT 62





# EXHIBIT 63

**Affidavit of [REDACTED]**

My name is [REDACTED]. I am giving this affidavit freely and voluntarily, without any threats, inducements or coercion, to Hunter Galpin, who has identified himself as a law student and certified student attorney from the University of the District of Columbia David A. Clarke School of Law who is partnered with the Government Accountability Project as a part of his curriculum. I have given Mr. Galpin permission to use this statement in whatever way it could be helpful to make a difference on this issue.

I grew up and have spent most of my life in Enon Valley, Pennsylvania which is a part of Darlington Township, across the state border from East Palestine, Ohio. My family has been in the same part of Enon Valley for the past four generations and my family, besides myself and my grandmother, still resides there. The home I had been living in at the time of the derailment was built by my great grandmother and is located less than four miles away from the site of the Norfolk Southern train derailment. It now sits abandoned because both my grandmother and I remain fearful of being reintroduced to the toxic exposures that both the EPA and Norfolk Southern had perpetually downplayed. As a survivor of kidney cancer and someone with numerous autoimmune diseases, I am particularly vigilant when it comes to the hazards flowing from chemical exposures.

I am currently employed as the Director of Communications and Community Engagement for a local nonprofit called Beaver County Marcellus Awareness Community and I also work part-time for another environmental nonprofit that is statewide in Pennsylvania, called Clean Air Action. I believe community organization is critical in order to find accountability where others fail to do so. In sharing this story, I hope to hold Alan Shaw, the Norfolk Southern



Board of Directors, and any other decision maker accountable for their failed decision making and have them removed from their positions.

#### The Derailment and Early Response

In the early evening hours of February 3, 2023, East Palestine, Ohio was forever changed when a Norfolk Southern train transporting thirty-eight railcars full of hazardous and toxic materials derailed, spreading its poisonous contaminants into my town's air, water, and soil leading to the local population being poisoned and causing irreversible damage not just to my community but to my family and myself as well.

That night I can vividly recall the cries of sirens racing to the scene but feeling as though we were far enough away from the initial incident to be safe. I was wrong. On the day of the open burn, I was made aware that there would be a burning of vinyl chloride and I became fearful. After speaking with my family, we made the decision to self-evacuate and as we left in the rearview mirror, I could see the mushroom cloud, the plume, and it just felt so post-apocalyptic, giving me a gut feeling as if we were driving away from a tornado, like the television program *Storm Chasers*.

After the night of the burn and my family's self-evacuation we had been given an all clear by those monitoring the situation from Norfolk Southern, state, and local environmental agencies, and the EPA. We had never been a part of the mandatory evacuation zone and no one had made us leave but the difference those few hours made on our lives is shocking

As soon as I returned home and opened the front door, I knew that something had gone very wrong during the burn and our house too had been affected. A smell permeated the crack of the door even before entering the home, something I can only describe as a sweet bleach odor, like being near a pool but not like anything else I recall smelling ever before. It was strong, so

strong that my eyes began to itch and water within the mere minutes of entering my home. My skin felt like it had burned and within an hour of being back, these dark red and abnormally shared rashes formed all over my exposed skin and my head pounded from a persistent migraine.

I remained in my home with my eighty-year-old grandmother over the next week attempting to find some answers by calling the Pennsylvania Department of Environmental Protection, the Environmental Protection Agency (“EPA”), and Norfolk Southern Assistance Center, to no avail. Each group would tell me they would make note of my address in the system or allege that my address was too far away from the burning and there would be no relationship to my symptoms and their activities. No matter what I told them, they refused to come do anything, not even test, regardless of the symptoms I had been experiencing.

#### Organizing Efforts and EPA Failures

State and federal inaction turned into the motivating force behind my decisions to turn to Facebook and TikTok to organize efforts to get the results other victims like me were entitled to. I would go as far as saying that both my Facebook and TikTok have really helped to shed light on what is going on with everyday folks with some of my posts reaching an audience viewership of over one hundred eighty thousand people.<sup>1</sup>

Since the state and feds refused to help, I used my platform to make contact with Wayne State University (“WSU”) which agreed to do various types of testing. The results were beyond disheartening and revealed what I feared had been the truth the entire time, that my home was in fact damaged in the train car burning. WSU found toxic levels of ethylhexyl acrylate and vinyl chloride throughout my home.<sup>2</sup> When I shared this information with the EPA, they reiterated the

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<sup>1</sup> TikTok Account: [REDACTED]

<sup>2</sup> See Exhibit A ( [REDACTED] family home is listed as “PA-4” across all charts).

stance that they would not come to my home to confirm WSU's testing results. Further, the EPA recommended that we open our windows to air out any smells we had been experiencing and to leave any soft materials such as bedding, mattresses, couches etc. outside on a warm and sunny day so that the materials could give off gas. I had never heard of such a ridiculous recommendation to remedy chemical inhalation. Given this guidance, I requested that someone at the EPA assist me and my frail grandmother in these moving efforts and again to no surprise I was swiftly rejected. After letting these soft materials off gas, I requested that someone from the EPA do testing so we could ensure they would be safe to place back in my home. Like my previous requests, this too was rejected.

In the weeks following the off-gassing, Jami Wallace, the president of the Unity Council for the East Palestine Train Derailment, was told in a closed-door meeting with Mark Durno of the EPA that the testing of my home was the worst the EPA had received in Pennsylvania. Durno also stated that the results should warrant additional testing. But the testing never happened, and now Durno denies ever having made these statements to me or Wallace. Now Durno claims that the ethylhexyl acrylate found in my home was from us doing laundry. This is ironic because had the EPA done a true investigation, they would have found that we have not had a washer or dryer in our home for over a decade. Durno also has falsely claimed in speaking with other residents in Enon Valley that the levels of vinyl chloride were from me painting my nails often. However, when someone asks me about it, I just show them my bare nails.

Due to the lack of assistance from the EPA, my grandmother and I made the decision to uproot our lives to the Finger Lakes region of upstate New York, more specifically Burdett County where we now rent a home in addition to having our abandoned home in Beaver County.



We are paying double taxes, double the utilities, and we do not even get the benefit of feeling safe in our ancestral home.

Failure to Protect Health, Safety and Welfare

The impacts of this crash go beyond my own health and have deteriorated the lives of my parents and siblings as well. Besides my own health issues, my parents have suffered. My family owns over ten thousand acres of land which we lease out to farmers and my father owns several businesses in Darlington Township and Wampum, Pennsylvania, in Lawrence County. In the months since the derailment, financially we have had the worst year our family businesses have had in decades. One of the businesses, Mines and Meadows ATV Resort and Campground, relies heavily on regional tourism and unsurprisingly, no one wants to visit an area so contaminated.<sup>3</sup> At this point, my father wants to sell his business and move out of the region.

In the time since uprooting my life, Norfolk Southern has only reimbursed me for six months of relocation expenses in the form of rent on the New York home. I have been making a petition to get a major disaster declaration for East Palestine, which now has over 20,000 signatures. The success of this petition convinced Ohio Governor Mike DeWine to eventually ask for the declaration. But President Biden did not approve it.<sup>4</sup>

Presently, my family that remained in Enon Valley have experienced exacerbated health declines. But both of my younger siblings, who are three and eight, have had some very serious respiratory issues, being forced to have surgery to remove inflamed tissues from their noses and throats and being diagnosed with sleep apnea due to having only 15% of their airways remaining open. My father has also had some cardiac issues which he was hospitalized for. My stepmother

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<sup>3</sup> Family Business's Website: <https://www.minesandmeadows.com/>

<sup>4</sup> See petition here: <https://only.one/act/east-palestine>.

experiences daily extreme dizziness where it becomes unbearable for her to travel to and from her daily activities such as getting groceries.

#### Meeting with President Joe Biden

Speaking of President Biden, on his recent trip to East Palestine on February 16, 2024, I was one of three residents that were able to meet with him following his stump speech. I believe that he genuinely cares about the outcome and wishes to hold Norfolk Southern accountable for its decision making. This discussion also allowed me to meet with Jim McPherson of the Federal Emergency Management Agency and Michael Regan of the EPA, both of whom I believe share President Biden's desire to go after Norfolk Southern. These talks lead me to the understanding the United State Department of Justice is building a criminal case against Norfolk Southern for its failed decision making in East Palestine. In all honesty, before actually meeting McPherson in the flesh I did not think he was a real person, which is a huge flaw in our system.

A big part of the initial 20,000 signature petition to Gov. DeWine was to email McPherson because he had been assigned to work in the Pennsylvania portion of the affected areas by FEMA (Federal Emergency Management Agency). In this organizing effort we had sent over 8,000 emails to him and never received a response. There was no outreach from him or his office or even an acknowledgement that the emails had been received. However, on the day of the meeting between myself and the two other residents, he came right up to us and introduced himself and even claimed that he knew exactly who we were.

#### Accountability

If we are going to address this issue, we need the government to recognize that there's going to be a gap between how Norfolk Southern makes it right and what the residents' needs are. We need to actively investigate what the current healthcare policies are, such as legislation

that could be passed to support residents. I have been and will continue to advocate for section 1881(a) of the Affordable Care Act to be initiated. I, along with my family and every other resident in the fallout zone between Ohio and Pennsylvania, deserve restitution for what we have lost mentally, physically, and economically.

**I have read the above seven-page statement, and it is true, accurate and complete to the best of my knowledge and belief.**



**Affiant Signature**

7/31/24

**Date**

**Exhibit List:**

Exhibit A: Soil Analysis Test Results from Wayne State University; [REDACTED] home is listed as "PA-4" across all charts).

**EXHIBIT A**

 [Exhibit A – Soil Analysis Test Results](#)



# Exhibit A

# Wayne State University

## Lumigen Instrument Center

A. Paul Schaap Chemistry Building  
5101 Cass Ave.  
Detroit, MI 48202

### Soil Analysis in ng/g wet weight

Sample Name	Wet Wt (g)	PFBA (ng/g)	PFPeA (ng/g)	4:2FTS (ng/g)	PFHxA (ng/g)	L-PFBS (ng/g)	HFPO-DA (ng/g)	PFHpA (ng/g)	FBSA (ng/g)	L-PFPeS (ng/g)	NaDONA (ng/g)	6:2FTS (ng/g)	PFOA (ng/g)	PFHxS (ng/g)	PFNA (ng/g)
PA-1	0.1878	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.04
PA-2	0.1990	0.07	0.10	ND	0.10	ND	ND	0.07	ND	ND	ND	ND	0.34	0.01	0.15
PA-3	0.2096	0.04	0.05	ND	0.08	ND	ND	0.07	ND	ND	ND	ND	0.43	ND	0.05
PA-4	0.1932	0.08	ND	ND	0.03	ND	ND	ND	ND	ND	ND	ND	0.09	ND	0.09
PA-5	0.1772	0.14	ND	ND	0.04	ND	ND	0.11	ND	ND	ND	ND	0.35	ND	0.13
PA-6	0.1696	0.09	0.08	ND	0.03	ND	0.10	0.06	ND	ND	ND	ND	0.36	0.02	0.12
PA-7	0.1642	0.16	0.08	ND	0.05	ND	0.22	0.08	ND	ND	ND	ND	0.18	ND	0.09
PA-8	0.2761	0.06	ND	ND	ND	ND	0.06	0.02	ND	ND	ND	ND	ND	ND	0.02
PA-9	0.2391	0.09	0.06	ND	0.05	ND	ND	0.04	ND	ND	ND	ND	0.08	ND	0.07
PA-10	0.1911	0.05	ND	ND	ND	ND	ND	0.04	ND	ND	ND	ND	0.30	0.02	0.08
PA-11	0.1732	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.07	ND	0.04
PA-13	0.2483	0.06	ND	ND	ND	ND	ND	0.03	ND	ND	ND	ND	0.08	0.01	0.05
PA-14	0.2394	0.22	0.03	ND	0.03	ND	ND	0.06	ND	ND	ND	ND	0.14	ND	0.08
PA-15	0.1918	0.06	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.17	ND	0.05
PA-17	0.2080	0.19	0.13	ND	0.15	0.03	ND	0.18	0.05	ND	ND	ND	0.56	0.03	0.19
Leslie run	0.1882	0.04	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-1	0.2019	0.10	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-2	0.1880	0.04	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.06	ND	0.05
OH-3	0.2550	0.14	0.03	ND	0.03	ND	ND	0.04	ND	ND	ND	ND	0.15	0.01	0.12
OH-5	0.1858	0.08	ND	ND	ND	ND	ND	0.03	ND	ND	ND	ND	0.16	ND	0.02
EP-1	0.2370	0.05	ND	ND	ND	ND	ND	0.02	ND	ND	ND	ND	0.10	ND	0.06
EP-2	0.1697	0.09	ND	ND	ND	ND	ND	0.03	ND	ND	ND	ND	0.04	ND	0.03
EP-4	0.1796	0.20	0.05	ND	0.04	ND	0.12	0.08	ND	ND	ND	ND	0.22	ND	0.12
DETECTION LIMIT (ng/g)		0.02	0.02	0.02	0.02	0.02	0.06	0.02	0.02	0.01	0.01	0.06	0.02	0.01	0.02
Average wt (g)	0.2040														

The detection limit is calculated using the average wet weight.

ND = no detection

LC-MS Data

Prepared by Dr. Joseph Birbeck on 20230405  
Government Accountability Project East Palestine Investigation

## East Palestine Batch 3 Summary

Soil

	Vinyl Chloride	Benzene	Trichloroethylene	Toluene	Tetrachloroethylene	Ethylbenzene	m,p-Xylene	o-Xylene	butyl-Acrylate	2-Ethylhexyl-Acrylate
	ppt	ppt	ppt	ppt	ppt	ppt	ppt	ppt	ppt	ppt
Negative Check	ND	15	<LOQ	11	<LOQ	<LOQ	<LOQ	<LOQ	<LOQ	<LOQ
100 ppt Check	27	100	98	78	83	70	139	80	85	67
EP-3	ND	40	<LOQ	33	<LOQ	<LOQ	<LOQ	<LOQ	ND	15
PA-9	ND	60	4	467	5	117	445	98	ND	13
PA-10	ND	66	<LOQ	393	4	185	548	171	ND	18
PA-11	ND	65	7	498	6	61	105	67	ND	26
PA-13	ND	173	9	1199	11	422	1357	396	ND	32
PA-14	ND	30	<LOQ	90	<LOQ	40	144	35	ND	97
PA-15	ND	18	<LOQ	31	<LOQ	<LOQ	38	<LOQ	ND	<LOQ
PA-17	ND	6	<LOQ	11	<LOQ	<LOQ	<LOQ	<LOQ	ND	7
PA-15 Dup	ND	30	<LOQ	37	<LOQ	<LOQ	31	<LOQ	ND	9
PA-17 Spike 100 ppt	ND	142	63	96	53	65	96	81	<LOQ	<LOQ
Negative Check	ND	<LOQ	ND	ND	ND	ND	ND	<LOQ	ND	<LOQ
100 ppt Check	42	113	118	83	95	72	140	83	87	53
LOQ		5	4	10	4	17	29	26	5	7
LOD	50	1	1	2	1	5	2	2	1	1



	1,2,4-trimethylbenzene	1-methylnaphthalene	2-Hexanone	2-methylnaphthalene	2-Nitropropane	Acenaphthene	Acenaphthylene	Benzene
Minimum Detection Limit (ng/mL)	0.01	0.01	0.10	0.01	0.5	0.01	0.01	0.5
<b>LeslieRun-Ruteger</b>								
water	<MDL	0.01	ND	0.02	ND	<MDL	ND	ND
<b>Well</b>								
EPI1-well	ND	ND	ND	ND	ND	ND	ND	ND
EP2-well	ND	ND	ND	ND	ND	ND	ND	ND
PA1-well	ND	ND	0.1	ND	ND	ND	ND	ND
PA2-well	<MDL	ND	ND	ND	ND	ND	ND	ND
PA3-well	ND	ND	ND	ND	ND	ND	ND	ND
PA4-waterwell	<MDL	ND	ND	ND	ND	ND	ND	ND
OH-3 Well 150 ft	<MDL	ND	ND	ND	ND	ND	ND	ND
OH-5 well 100 ft	ND	ND	ND	ND	ND	ND	ND	ND
PA5-well	<MDL	ND	ND	ND	ND	ND	ND	ND
<b>Waterbodies</b>								
PA8-Pond	ND	<MDL	ND	ND	ND	ND	ND	ND
EP4-Pond	<MDL	ND	ND	ND	ND	ND	ND	ND
OH-2 Pond	<MDL	ND	ND	ND	ND	ND	ND	ND
OH-4 Pond	<MDL	<MDL	ND	<MDL	ND	ND	ND	ND
PA5-Spring	<MDL	ND	ND	ND	ND	ND	ND	ND
PA5-Stream	ND	ND	ND	ND	ND	ND	ND	ND
PA6-poolcover	<MDL	<MDL	ND	ND	ND	ND	ND	ND
PA7-puddle	<MDL	ND	0.3	<MDL	<MDL	ND	ND	<MDL
<b>Soil (ug/g dry material)</b>	ug/g							
PA6	1.7	ND	ND	ND	ND	ND	ND	ND
PA5	1.6	ND	ND	ND	ND	ND	ND	ND
OH5	1.9	ND	ND	ND	ND	ND	ND	ND
OH2	1.6	0.0001	ND	ND	ND	ND	0.00	ND
OH3	1.6	ND	ND	ND	ND	ND	ND	ND

EP4-Soil Near Weel	2.3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP2 well shallow (soil)	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP1 well dirt	2.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH1-	1.5	0.0008	0.01	ND	ND	ND	0.0007	0.0021	1.1	ND	ND	ND
PA7	1.5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA8	1.5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA3	1.7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA4	2.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA2	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA1	1.7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
leslie run sediment	2.9	0.0002	0.02	0.1	0.00	0.2	0.00	0.00	0.00	0.00	0.00	ND
EP3-leslie Run sediment	2.6	0.0001	0.01	0.2	0.00	0.4	0.00	0.00	0.00	0.00	0.00	ND





[illegible]

Toluene

0.10

ND

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# Wayne State University

## Lumigen Instrument Center

A. Paul Schaap Chemistry Building  
5101 Cass Ave.  
Detroit, MI 48202

### Soil Analysis in ng/g wet weight

Sample Name	L-PFHs (ng/g)	FHxSA (ng/g)	PFDA (ng/g)	N-MeFOSAA (ng/g)	PFOS (ng/g)	N-EtFOSAA (ng/g)	PFUdA (ng/g)	9Cl-PF3ONS (ng/g)	L-PFNS (ng/g)	PFDaA (ng/g)	L-PFDS (ng/g)	FOSA (ng/g)	11Cl-PF3OUdS (ng/g)	PFTeDA (ng/g)
PA-1	ND	ND	ND	ND	0.21	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-2	ND	ND	0.16	ND	1.95	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-3	ND	ND	ND	ND	0.13	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-4	ND	ND	ND	ND	0.49	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5	ND	ND	ND	ND	0.34	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-6	ND	ND	0.09	ND	0.60	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-7	ND	ND	ND	ND	0.28	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-8	ND	ND	ND	ND	0.02	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-9	ND	ND	ND	ND	0.22	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-10	ND	ND	ND	ND	0.25	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-11	ND	ND	ND	ND	0.16	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-13	ND	ND	ND	ND	0.26	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-14	ND	ND	ND	ND	0.21	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-15	ND	ND	ND	ND	0.20	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-17	ND	ND	0.22	ND	1.19	ND	ND	ND	ND	ND	ND	ND	ND	ND
Leslie run	ND	ND	ND	ND	0.03	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-1	ND	ND	ND	ND	0.07	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-2	ND	ND	ND	ND	0.51	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-3	ND	ND	ND	ND	0.25	ND	0.08	ND	ND	ND	ND	ND	ND	ND
OH-5	ND	ND	ND	ND	0.10	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-1	ND	ND	ND	ND	0.22	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-2	ND	ND	ND	ND	0.25	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-4	ND	ND	ND	ND	0.28	ND	ND	ND	ND	ND	ND	ND	ND	ND
DETECTION LIMIT (ng/g)	0.06	0.06	0.06	0.12	0.02	0.12	0.06	0.06	0.06	0.06	0.06	0.01	0.02	0.25

ND = no detection

LC-MS Data  
Prepared by Dr. Joseph A. Birbeck on 20230405  
Government Accountability Project East Palestine Investigation

# Wayne State University

## Lumigen Instrument Center

A. Paul Schaap Chemistry Building  
5101 Cass Ave.  
Detroit, MI 48202

### Water Analysis in ppt (parts per trillion)

Sample Name	PFBA (ppt)	PFPeA (ppt)	4:2FTS (ppt)	PFHxA (ppt)	L-PFBS (ppt)	HFPO- DA (ppt)	PFHpA (ppt)	FBSA (ppt)	L-PFPeS (ppt)	NaDONA (ppt)	6:2FTS (ppt)	PFOA (ppt)	PFHxS (ppt)	PFNA (ppt)	L-PFHps (ppt)
PA-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-3 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-4 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	5.81	ND	ND	ND
PA-5 spring water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-6 pool cover	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-2 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-3 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-4 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5 Stream	ND	ND	ND	ND	20.97	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-7 puddle water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	5.14	ND	ND	ND
PA-8 pond	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-2 Pond at EP park	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-4 Taggart rd park	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-4	ND	ND	ND	ND	17.26	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Leslie Run	ND	ND	ND	ND	33.68	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-11 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-12 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-16 stream water	ND	ND	ND	ND	12.40	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-17 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Leslie run disturbed	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
DETECTION LIMIT (ppt)	25.00	10.00	4.69	25.00	8.87	10.00	10.00	50.00	4.71	9.45	9.51	5.00	22.85	25.00	4.77

ND = no detection

LC-MS Data

Prepared by Dr. Joseph A. Birbeck on 20230327  
Government Accountability Project East Palestine Investigation



# Wayne State University

## Lumigen Instrument Center

A. Paul Schaap Chemistry Building  
5101 Cass Ave.  
Detroit, MI 48202

### Water Analysis in ppt (parts per trillion)

Sample Name	FHxSA (ppt)	PFDA (ppt)	N-MeFOSAA (ppt)	PFOS (ppt)	N-EFOSAA (ppt)	PFUDA (ppt)	9CI-PF3ONS (ppt)	L-PFNS (ppt)	PFDoA (ppt)	L-PFDS (ppt)	FOSA (ppt)	11CI-PF3OUds (ppt)	PFTeDA (ppt)
PA-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-3 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-4 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5 spring water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-6 pool cover	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-1 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-2 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-3 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-4 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-5 Stream	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-7 puddle water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-8 pond	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-2 Pond at EP park	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
OH-4 Taggart rd park	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
EP-4	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Leslie Run	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-11 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-12 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-16 stream water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PA-17 Well water	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Leslie run disturbed	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
DETECTION LIMIT (ppt)	5.00	25.00	50.00	23.20	25.00	25.00	9.33	24.05	10.00	9.65	5.00	4.72	50.00

ND = no detection





**Report to:** Ohio Valley Allies  
P.O. Box 455, Barnesville, OH 43713

July 12, 2023

**Summary:** Results for the listed analytes on the supplied samples are provided below. Values with a less than (<) are below the detection limit for the method.

LSSU Superior Analytics Dioxin Analysis by GC-MS/MS																
Analyte	2,3,7,8-TCDF (ng/Kg)	2,3,7,8-TCDF (ng/Kg)	1,2,3,7,8-PeCDF (ng/Kg)	2,3,4,7,8-PeCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)	1,2,3,4,7,8-HxCDF (ng/Kg)
MRL	1.0	1.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	10.0
PA-2	<1.0	<1.0	<5.0	36.34	61.60	<5.0	<5.0	23.31	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	93.03
PA-4	<1.0	<1.0	<5.0	46.50	81.92	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<10.0
PA-5	<1.0	<1.0	<5.0	45.75	82.74	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	124.7
PA-6	<1.0	<1.0	<5.0	39.05	64.68	8.85	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	105.8
PA-7	<1.0	<1.0	<5.0	35.06	52.56	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	95.85
PA-13	<1.0	<1.0	<5.0	123.7	<5.0	<5.0	<5.0	74.3	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<10.0
PA-14	<1.0	<1.0	<5.0	36.27	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<10.0
PA-15	<1.0	<1.0	<5.0	50.82	<5.0	<5.0	<5.0	36.65	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	140.7
PA-17	<1.0	<1.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	6.49	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	139.7
EP-1	<1.0	<1.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	108.1
EP-2	<1.0	<1.0	<5.0	<5.0	<5.0	<5.0	<5.0	24.50	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	130.2
EP-3	<1.0	<1.0	<5.0	<5.0	<5.0	<5.0	<5.0	43.47	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	288.5
EP-4	<1.0	<1.0	<5.0	<5.0	<5.0	<5.0	<5.0	45.86	34.20	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	100.0
OH-1	<1.0	<1.0	<5.0	53.58	<5.0	<5.0	<5.0	25.18	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	454.5
OH-2	<1.0	<1.0	8.87	19.62	<5.0	<5.0	<5.0	<5.0	8.74	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	208.7
Quality Controls																
Duplicate % Deviation	-	-	-	14	16	-	-	-	-	-	-	-	-	-	-	10
PA-7 Lab Duplicate	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17
EP-1 Lab Duplicate	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16
OH-2 Lab Duplicate	-	-	12	8	-	-	-	-	20	-	-	-	-	-	-	-
Matrix Spike % Recovery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PA-7 Lab Spike	48	42	49	57	53	69	48	47	60	55	61	75	52	63	59	68
EP-1 Lab Spike	55	58	53	68	64	65	50	54	69	50	54	62	63	60	56	65
OH-2 Lab Spike	56	51	71	62	65	53	67	60	64	56	61	60	66	61	60	65
Laboratory reagent and extraction blanks where also included in the analysis batch with no analyte detections above the MRL																

Page 1 of 1  
650 W. Easterday Ave., Sault Ste. Marie, MI 49783  
<http://www.lssu.edu/academics/stem/eal/>  
626  
Government Accountability Project East Palestine Investigation

# EXHIBIT 64

AFFIDAVIT

My name is [REDACTED] I am giving this affidavit freely and voluntarily, without any threats, inducements or coercion, to Tom Devine, who has identified himself as legal director of the Government Accountability Project. I have been an East Palestine resident for 40 years. I am active in community affairs and have especially focused on care for foster children. I am submitting this statement to make a record of the truth about consequences from the Norfolk Southern train wreck.

Although the Environmental Protection Agency (EPA), state and local governments immediately claimed we were not exposed to hazardous chemicals, that is not true. After the accident residents could not learn the manifest contents listing hazardous materials on the train, and we were told there only had been two chemicals on board. Later we were told that ten chemicals were released after the contents were burned. Later the EPA estimated 20. There has been no reliable information for the public to know the nature and extent of how we've been contaminated.

From personal experience, though, I know the reassurances are false. For example, eight months after the accident, tests confirmed the presence of formaldehyde in my back yard. But two weeks earlier EPA representative Mark Durno had said the tests did not detect levels, only components. The EPA said it was a mere concern rather than hazard, because the levels were too low. He advised me in an email to just spread and rake the soil. (Attachment 1) His full reassurance is attached as Attachment 2. At a different meeting with [REDACTED] and me at my house, he got mad and walked out of a meeting. He had insisted that there was no formaldehyde on the train, but it is a byproduct of the burn.

The authorities were playing similar games about dioxin, claiming there were not any significant amounts after making it a point to rely on tests in the wrong locations. They skipped where there had been flooding, the areas around containers holding chemicals. Independent testing by Scott Smith in my home found levels 400 times the dioxin levels conceded by EPA. Also discovered in my back yard was



benzene, a chemical banned for decades. All independent tests keep confirming benzene levels, as well as vinyl chloride.

There also should be an investigation for contamination due to radiation. A facility that treats radioactive waste was on the train's route. A Geiger counter in my home reported high results for a five minute reading that would be off the charts for steady exposure.

The authorities have reassured us that our water is safe, in part because there was no pathway for the chemicals to reach it. You'd have to be blind to believe them. The storm drains are an obvious pathway. After the accident and chemical burn approved by EPA, we started to have a sheen in the creek that hadn't been there before. It has gotten worse over time, but there are no warning signs to stay away. Children play there. When children playing in the creek came back, they appeared to have chemical burns.

The authorities and Norfolk Southern also have asserted the town is safe. Those of us who live there know better. I have suffered from day long migraines, memory loss, diarrhea, runny nose, runny eyes, and inability to keep a train of thought. All of these are new to my life since the accident. Other friends have had it worse – lesions; rashes and blisters; stillborn babies; lost hair; and lost teeth that just fall out from the root. Even Centers for Disease Control officials conceded to us that half of their 14 members got sick while in town, but after they got back to their hotel some 30 miles away the symptoms disappeared. A CDC representative shared with me that they had the same immediate symptoms everyone else – headaches, burning eyes and sore throats.

If there were any doubt about the danger, look at the ongoing impact on animals in our area. Dead snakes and frogs have become common, well beyond normal levels. Minnows, carps and crayfish vanished. The impact has extended to numerous animals such as sheep, fox, deer and raccoons. They all were dying at unnatural rate.

It also was frustrating that testing was not readily available to find out how much we had been contaminated. When I went to my healthcare provider to seek tests for what was in my blood and urine, I was refused on grounds that CDC said it was too late to catch anything. But I got the tests from local doctor Rik Tsai. Although it was supposed to be too late, the tests revealed vinyl chloride and benzene.

Camouflaging and redecorating our devastated town has been a much higher priority than public health, our families' desperate living conditions, or the truth. For example, the Federal Emergency Management Agency (FEMA) official sent by President Biden for support does not respond to emails or telephone calls.

By contrast, Norfolk Southern has been extremely generous about cosmetics, spending millions of dollars for items like a new fire truck, school programs, parks, renovation, and other improvements to make everything look OK. Top government officials' families now work for Norfolk Southern. The railroad has been buying homes at over face value, as an incentive for residents to leave. It seems like an effort to scatter residents and create the appearance of recovery. That will not happen, however, until the town is cleaned up.

The money has created conflict in what was previously a happy community. Local politicians have joined the cover-up, and those of us who challenge it are subject to police investigations and apparent police leaks for trash campaigns on social media. Because of my activism, it is not surprising that I have been a target. The trash campaigns will not work with me, however. I will continue to speak out and will not back down defending our community.

I have read the above 3 page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

Date: 2-4-24



# EXHIBIT 65



AFFIDAVIT

My name is [REDACTED]. I am submitting this affidavit freely and voluntarily without any threats, inducements or coercion to Tom Devine, who has identified himself as the legal director of the Government Accountability Project. I am submitting this statement, because all government authorities and the Norfolk Southern railroad continue to assert that East Palestine is clean and safe, despite a February 2023 train wreck and subsequent government approval to burn hazardous materials. From personal experience, I know that nothing could be further from the truth, and I want to make a record.

I am 45 and have lived in East Palestine all my life. I live with my husband and family. I have been working as a retail manager, but the store is closing rather than being renovated after the February 2023 Norfolk Southern train wreck and subsequent burns.

The night of the accident I had been working at the store about a quarter mile from the derailment. Fire tricks began appearing everywhere. My husband was at home, less than 200 yards from the accident. He said he heard an explosion and thought a gas main may have blown. Then there was fire all around. He took pictures. I went home, and it looked like there were train cars everywhere on fire. It smelled awful, like burning tires. People were standing outside everywhere, and at one point an officer advised us to leave. We then watched from inside the house, but the fire was so fierce I was afraid it would jump to our home. No one could sleep that night, because we could see the fire through the windows.

Sunday morning the next day an officer said it was not mandatory but advised us to leave. There also were fears of an explosion, so we went to my sister's house. We returned home after a government press conference reassured us that the area was safe and we had not left.

From my personal experience I know the area was and is not safe. In addition, my throat was sore, my eyes steadily running, I experienced sinus pressure when there was no congestion, and I broke out in rashes when I would take a shower.

Several months ago, the symptoms got worse. I started having joint pains initially in my thumbs but expanding to my ankles, knees, elbows and then throughout my body. It reached the point where the pain was too severe for me to hold a pen. My family has no history of arthritis.

I could not be passive after what happened, so I began helping the Unity Council protest to government officials at home and in Washington, DC. We sought a disaster declaration from the governor. But the only help was an Executive Order from President Biden for support that turned out to be worthless. No one that I know has been able to communicate with the Federal Emergency Management Agency (FEMA) representative who supposedly came to help. It has not been better with our congressional representative, who told the Unity Council when he recently visited that he was there to talk with local officials, not residents.

At the Unity Council I did extensive research and began to work with Scott Smith, an expert on independent chemical testing. He was the only person willing to test my house. The EPA, through its liaison Mark Durno, said when he visited my home that it was not necessary to test the air inside, because air samples outside were negative. But Scott compared soil and garlic from my yard a year earlier, with samples taken after the accident. The dioxin levels were 4.8 times higher than before the derailment and toxic chemical fires.

In some cases, Norfolk Southern actually spread the contamination. The railroad started cleaning the streets but just was funneling contaminated dust and debris into the sewage drains. Eventually after we complained, the railroad started adding dust bags to capture what was cleaned.

I have read the above two-page statement, and it is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Date 06/09/2024

\_\_\_\_\_



06/09/2024  
Date



# EXHIBIT 66

Affidavit of [REDACTED]

My name is [REDACTED] I am freely and voluntarily giving this affidavit to Jayla Tolson, without any threats, inducement, or coercion, who has identified herself to me as a student attorney with the Government Accountability Project, through the University of District of Columbia's David A. Clarke School of Law Whistleblower Protection Clinic. This statement evidences my concerns and experiences regarding the train derailment in East Palestine, Ohio, which took place on February 3, 2023. I want to make a record of these events because, as a community member of East Palestine, Ohio, I have witnessed the train derailment and the negligent conduct on behalf of the government agencies and corporations involved. Furthermore, I have been personally harmed as a result of this train derailment.

I, [REDACTED] give Tom Devine full scope of permission to share this information with whomever this information will be helpful to, as long as Mr. Devine honors my confidentiality and informs me of where and to whom my information will be shared with.

Qualifications of the Affiant

I attended Kent State University, received an associate degree in nursing, and graduated with honors. I also served as the President of the Student Nurses Association during my four years at Kent State University. Upon receiving my nursing degree, I worked as a registered nurse for 10 years. I am now a medically retired nurse as a result of suffering multiple health conditions including Myasthenia Gravis, various heart problems, and cancer. Before working as a registered nurse for 10 years, I worked multiple jobs. I worked at McDonald's for a year and subsequently at a veneer plant for two years before nursing.

Additionally, I am a licensed treatment foster parent in the state of Ohio and have been licensed for about four years. As a foster parent, I care for children ranging from five years old to



17 years old, specializing in fostering severely troubled teens until they age out of the system. I typically foster about 3-5 children on hand at one time.

#### Context

On February 3, 2023, a train containing various hazardous chemicals derailed in East Palestine, Ohio, which resulted in the burning of the train carts for three to four days. The operator of this freight train was Norfolk Southern. Norfolk Southern's train contained various hazardous materials including vinyl chloride, isobutylene, benzene, butyl acrylate, ethylhexyl acrylate, and many other chemicals. Days after the derailment, on either February 7 or February 8, 2023, multiple entities (including government and private corporations) sought to discard the hazardous materials by draining about six tanks of vinyl chloride and other chemicals into a nearby pit and intentionally setting fire to the hazardous chemicals.

The train derailment and the subsequent negligent handling of the hazardous materials, including the drainage and combustion of the materials, resulted in the chemicals being unsafely dispersed around town. These chemicals were spread by air, by way of smoke from the combustion of the chemicals. The chemicals also spread by ground, both above ground and underground through soil and dirt.

After the derailment, multiple entities, including government agencies and corporations, stepped up to investigate and control the spread of the hazardous chemicals. But over the past year, these entities have worked hard to conceal and downplay the gravity of the situation and the harmful effect the train derailment has had on the environment, infrastructure, and members of the community. Throughout the year there have been many inconsistencies, as well as corruption and questionable conduct on the part of these agencies and corporations. These entities include

Norfolk Southern, the Environmental Protection Agency, the state of Ohio, the National Guard, local police departments and fire departments, and the American Planning Association of Ohio.

This mishandling of the hazardous materials resulted in the spread of the chemicals to nearby communities and harm to members of the community. As a result, air, water, and soil quality became contaminated. Neighboring community members began to develop multiple injuries and ailments, including cancer, migraines, brain fog, respiratory issues, inability to swallow, diarrhea, miscarriages, body rashes and burns, boils, and many other issues.

#### Narrative

On February 3, 2023, a train derailed and blew up at around 9:30 p.m. in East Palestine, Ohio. I lived in a residential neighborhood within a mile of the site of the accident, specifically 0.3 miles from the site. At the same time the train derailed and blew up, I recall my home shaking for 5-10 minutes. Shortly thereafter, at around 10:15 p.m., police knocked on my front door, ordering my family to leave immediately, giving everyone 10 minutes to evacuate the home. I had eight people present in my home, including my partner, my foster children, my biological children, and my granddaughter. In efforts to quickly evacuate, our family filled two vehicles, leaving two dogs behind, and left East Palestine, Ohio.

For the first few days following February 3, 2023, our family stayed at the Best Western in Columbiana, Ohio. Then we relocated to stay at the Days Inn in Lisbon, Ohio, for five days. On February 9, 2023, at around 5p.m., Governor Mike DeWine lifted the evacuation, deeming the community within a one-mile radius from the site safe. The following day, on February 10, 2023, we returned home. Despite moving back home so quickly, we often spent days with other family and friends in Ohio who lived outside of the contamination zone, and spent a few weeks in Florida to take breaks from exposure to the contamination at home.



On February 10, 2023, the City provided CTEH's phone number for people within the contamination zone who wanted their air quality tested. CTEH was an independent contractor hired by Norfolk Southern, the operator of the freight train. On the same day, I contacted CTEH and had them test the air quality of my home. CTEH returned same-day results which determined that the home's air quality was fine. However, it was later discovered that CTEH did not have the proper equipment, as their machinery could not identify all the different chemicals that possibly could have emanated from the train derailment, nor could it accurately capture high levels of the chemicals that it could identify. CTEH's equipment was only able to capture volatile organic compounds (VOCs) levels up to 0.1 parts per million (PPM).

A month later, on March 4, 2023, I had JS Held test my home for toxins, which was covered by homeowner's insurance. A few months later, JS Held informed me that my home's air quality tested as acceptable regarding levels of soot and smoke, at a Level 2, but did not mention VOCs or dioxins. On June 13, 2023, JS Held emailed complete home air quality results which determined that my home was contaminated with VOCs and dioxins but said that data for the specific levels was "inconclusive."

On July 19, 2023, I had contractors dig up mounds of my soil and install a pool in my backyard. And a month later, around August 9, 2023, I had Mark Durno, the Supervisory Engineer for the Environmental Protection Agency, come to my home to test those same mounds of soil for different toxins. Mr. Durno brought a machine that was 100% accurate in detecting chemical compounds. The results from Mr. Durno's testing proved that my soil tested positive for formaldehyde. In Mr. Durno's post-test write-up, he explained that formaldehyde was a by-product of burning chemicals from the train derailment, but that it breaks down & evaporates from soil within hours. Mr. Durno's explanation must be untrue, because my soil had been dug



up and sitting above ground for about a month and out in the sun for 5.4 hours the day before Mr. Durno's testing; even further, my soil had been in my yard, exposed to the air, since the train derailment on February 3, 2023. Mr. Durno also took piles of dirt from my yard for purposes that are not known.

Presently, the city is digging up roads and pulling out sewer lines to lay down new pipes, because the previous pipes were contaminated by the hazardous chemicals from the train derailment. Recently it has become hard to stay in my basement for too long, as doing so makes me struggle with breathing and lightheadedness. I keep multiple air quality monitors in my home, which monitor formaldehyde and other toxins. They often toggle between yellow and red. Whereas, the basement's air quality monitor remains red.

#### Injuries and Other Medical Issues

Returning to the events in February, I had my first doctor appointment on February 12, 2023, for severe rashes that appeared on my body after the train derailment. My doctor diagnosed me with contact dermatitis due to chemical exposure. Over the months, my rashes would turn into full-blown second and third-degree burns, and if I didn't catch them in time they would turn into boils. Following the train derailment in February 2023, I also developed other medical issues that had never existed prior to the train derailment. Some of these health ailments include bronchitis, lesions on my spine, lesions and scars on my lungs, neurological problems, bloody nose, bloody urine, and new rashes and burns every time I go outside with my skin exposed. Since February, I have gone to three different neurologists who confirmed that all of my diagnoses post-February 3, 2023 were unrelated to Myasthenia Gravis.

I do have some medical conditions that pre-dated the train derailment in February. But post-train derailment, my existing ailments, like high blood pressure, have substantially increased, despite being controlled since 2018.

Dating back to February of 2023, Norfolk Southern asserted they were going to make things right by helping cover victims' medical bills for any medical-related injuries that were related to the train derailment. I have accumulated over \$750,000 in medical bills, of which I am responsible for 20 percent. But to this day, neither Norfolk Southern nor the government has reimbursed me.

### Conclusion

I have been physically, mentally, emotionally, and financially harmed as a result of the Norfolk Southern train derailment and the negligence on the part of all involved entities. Waking up every day to permanent scars is a nonstop reminder of such a traumatic experience. Initially, I had a lot of energy and drove to combat Norfolk Southern and the Environmental Protection Agency as I conducted research, conducted tests, and attended city meetings, hearings, and press conferences. However, after being gaslit, disregarded, and disrespected over the past year, I have lost that drive, forcing me to turn away from initiatives for the sake of my health as it was mentally destroying me and exacerbating my physical ailments.

I am scared and embarrassed to speak about my personal experiences on a national level, as I am fearful of retaliation. But my main motivation to speak out is to help others who are also going through what I have experienced in hopes that the wrongdoers involved will be held accountable.

**I have read the above six-page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.**

Executed on December 11, 2023.

\_\_\_\_\_  
[Redacted Signature]

I have read the above six-page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

Executed on December 11, 2023.

[Redacted Signature]

(Affiant)



# EXHIBIT 67

Affidavit of [REDACTED]

My name is [REDACTED]. I am giving this affidavit freely and voluntarily, without any threats, inducements or coercion, to Hunter Galpin, who has identified himself as a law student and certified student attorney from the University of the District of Columbia David A. Clarke School of Law who is partnered with Government Accountability Project as a part of his curriculum. I have given Mr. Galpin permission to use this statement in whatever way it could be helpful to make a difference on this issue.

Personal History

I have lived in my current home in Beaver County, Pennsylvania since 2010 which I presently share with my four-year-old son, my seventy-two-year-old father, and a mix of cats, a dog, and chickens. My house is exactly 5.9 miles away from the site of the East Palestine train derailment and it was a family home that I often visited while growing up in the area. I was raised in a Christian household and have always had the belief that it's the duty of people to take care of animals and the environment. I have an associate degree in General Studies with concentrations in Social Science and Humanities from the Community College of Beaver County, as well as certifications through the Fire Department for FEMA related services; including NIMS IS-700, ICS-200 and ICS-100. I have spent a few years prior to the birth of my son in 2019 as a volunteer firefighter. I am currently not working full time and have been using applications such as Instacart to provide some income for myself and my son. It has been difficult to find employment in Beaver County and I feel as though my efforts are best occupied by seeking out answers from the EPA and other agencies that have been involved in the disaster and cleanup here.

The Derailment and Days Following

In the early evening hours of February 3<sup>rd</sup>, 2023, Beaver County, Pennsylvania would be forever changed when a Norfolk Southern train transporting thirty-eight rail cars full of hazardous and toxic materials, such as vinyl chloride, derailed in East Palestine, Ohio. In the days that followed the derailment, a decision was made that would spread the train's poisonous contaminants into our community's air, water, and soil, leading myself, my family and my town's local population to be poisoned. That decision was the venting and burning of the vinyl chloride that was in the rail cars from the derailment by the EPA and Norfolk Southern.

On the day of the vent and burn, I can remember checking Facebook and seeing that it was reported that only one train car that contained vinyl chloride was going to be burned. Up until that point I had no idea what vinyl chloride even was, but I was soon to find out. I had been getting my four-year-old son ready for school that morning and recalled not knowing if it was the right decision to make. My phone was buzzing with news alerts, but never messages for those of us where I live to evacuate or shelter-in-place, although we did get messages for East Palestine to evacuate and my son's school was also closed early as well, per recommendations from incident command. With this occurring, I decided not to send my son to school and began making a list of essentials that we would need had we decided to leave home that night. After speaking with my father, we decided against leaving because at the time we had been told that we lived outside of the evacuation zone and so we had no reason to be concerned about our safety.

Regardless, I emptied my car, went to the store and stocked up on essentials because I just had a gut feeling that I was right to be worried and I was not sure how long the area may be shut down. When I was driving to and from the grocery store, I saw some black SUVs shutting down several of the roads in the area and that's when it began to hit me that something could go very, very wrong during this vent and burn. My experience as a firefighter has taught me that



there is a difference between a controlled burn and an open burn. In instances of a controlled burn the fire is highly controlled, whereas with an open burn the atmosphere is essentially the ceiling of how high the smoke and fire could potentially reach. An open burn more closely matches with what I had seen as the East Palestine smoke plume.

#### Personal Investigations of Sulphur and Leslie Runs

Starting on February 14, 2023, I was made aware that a creek near my home, Leslie Run, was a site where fish and frogs were coming up to the surface of the water dead. Leslie and Sulphur Runs extend from East Palestine, and more specifically the site of the vent and burn, to another town near my home, Negley, Ohio. As an animal lover, I was absolutely devastated to hear that animals were coming up dead, so I began taking walks along Leslie Run and documenting what I saw.<sup>1</sup> On my first walk, I was with my father and son, and I recall the scent of chlorine and the air and creek being filled with aerators. During this walk, our throats burned, we got headaches and were coughing profusely. I continued visiting Leslie Run one to two times per month but over time started wearing a respirator mask, still having symptoms of being exposed to something. As time went on, I realized I was putting myself on the front line and was opening my body to more exposures, but it was the only way I could document the environmental consequences. Starting in September of 2023, after hearing similar reports about Sulphur Run, I added it to my routine of visits for documenting the environmental impacts of the EPA's actions in the area. It seemed as though their efforts were only making things more toxic. If I could describe the state of the water at both Runs, it would be that it looks like there is still a white and rainbow sheen to the water.

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<sup>1</sup> Aerators at Leslie Run walking trail. February 14, 2023.

In my follow ups with the EPA as to their cleanup procedures, I spoke with Trisha Edwards and Mark Durno about the continuance of the water sheen and how it appeared that the aerators and other cleanup efforts were just pushing the chemicals from one side of the creeks to the other and into the banks as well. I have also had the ability to document many of my experiences at the two Runs on my personal YouTube and TikTok accounts, as have other residents, with my own account having about 850 subscribers and some videos having up to 227,000 views. Other YouTube channels have also documented this disaster and our experiences at the creeks.<sup>2 3</sup>

The environmental impact goes beyond just the land directly next to the Runs though, as mentioned before I own chickens, cats, and a dog have continued to do so over the past year and a half. Within two weeks after the derailment, we had one of our cats pass away. All of our cats, except for one, are outdoor cats. Between May and June, another six cats died within two weeks of each other. I became so numb to all of the deaths. In the beginning, I felt bad, but now it just feels like a normal part of my life. One day you would see them and they would be perfectly fine and then the next time you find them they would be dead. There was never a sign that anything got a hold of them or of them being sick, they were just flopped over dead.

As for the chickens, I had one chicken that died around the same time that the first cat had. Following the vent and burn our remaining chickens started to lay eggs. The chickens I had owned at the time were only a year old and they were producing eggs and everything all through the winter prior to the burn. After the burn, they started producing less eggs and the eggs would come out with the shells as soft as a stress ball and with a blue or green coloring, instead of their

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<sup>2</sup> YouTube: @safekeeper115pa TikTok: @safekeeper115

<sup>3</sup> @StatusCoup channel on YouTube; video example available at <https://youtu.be/rTpAPtYcOZY?si=VNJkS2adqW4ikqlhw>.



normal brown coloring. In all the time that my father had owned chickens, he had never seen or felt anything like this. We relied on these chickens to produce eggs for us, but now we largely have stopped consuming any of their eggs that even have a hint of being tainted.

#### Health Outcomes

Until the derailment I had never had any serious health problems, outside of diabetes related to my pregnancy and seasonal allergies to pollen, which I never had to take medicine for. However, following the vent and burn my health has diminished. I have no family history of the illnesses I have suffered so far leading me to that conclusion that I would not be in this perpetual state of suffering had Norfolk Southern and the EPA been forthcoming with the truth and not engaged in this massive cover up to shield themselves from liability. During my first exposures, my throat was scratchy and felt blistered, I was coughing, had burning in my nose and eyes, and I had a persistent migraine. I thought maybe I had COVID-19 and took three separate tests, which all came back negative. Besides my own early exposure symptoms, both my son and father experienced similar symptoms to myself, but to a lesser extent. Within the first week of the track removal and replacement we ended up with vomiting and diarrhea, which lasted for about a week. It was so intense that as soon as I sat down to go to the bathroom I was throwing up in a bucket at the same time. I ended up being sick in some capacity every day for five and a half months.

After determining that I did not have COVID, I began seeking medical help. I visited the Darlington clinic on two occasions. During my first visit, the lady wrote down all of my symptoms and everything, looked in my ear and said she thought I had an ear infection and then the exam was over. The second time I went in, they told me that they didn't really know what to do for me yet but to go see my primary care physician ("PCP"). After another unsuccessful visit,



I went to an urgent care and they diagnosed me with an upper respiratory infection and also told me to go see my PCP. I went to my PCP in March of 2023 and they ended up diagnosing me with exposure to toxins that were non-occupational. They ran a lot of blood work as well as a urine test, even though they didn't know exactly what to test for. They then gave me a prescription for an antibiotic and a steroid, as well as two daily-use inhalers and a nasal spray for the irritation to my sinuses. Of these items, I still use the inhalers, as well as an allergy medication to lessen my discomfort while I live at my home.

In October of 2023, I began having tremors and on December 26<sup>th</sup> 2023, my PCP diagnosed me with a fine tremor and they didn't know where it came from, as again, no family history of this was present, at least not at my age. The only person who I can think of that could have had tremors was my grandpa who had gotten Parkinson's when he was in his 80s, but I never really remember his hands shaking or any other body parts. In January of 2024, I went in for a yearly pap smear where they had found abnormalities, which led to an examination and biopsy to see if I had cervical cancer. The biopsy came back benign, but my doctor wants to monitor that now, and yet again, no family history of this either.

Soon after my experience with the cervical cancer scare I began seeing a psychiatrist who diagnosed me with Post Traumatic Stress Disorder due to anxiety I had been feeling and other symptoms that could be associated with PTSD. She also prescribed me with an anti-anxiety medication and eventually depression medicine as well. Being forced to go to Norfolk Southern to ask for help has felt like going to your abuser to ask for help. When I had gone through the exam for cervical cancer it had also felt like I was being violated by them again, this time like a rapist. I did not feel like my doctor was doing anything wrong since it is a procedure that has to be done, but I may not have ever had to have it done if it weren't for Norfolk violating us. I have

heard of other females, as young as twelve years old, also having to go through this exam since the derailment happened and I can only imagine how scary and terrible it felt for them as young ladies. Norfolk Southern has taken my environment, my home, and now a part of me as well, it feels as though they've taken a piece of my soul.

Interactions with the Government, EPA, PA DEP, and Norfolk Southern

My first interaction was with Bill Johnson, the representative at the time of the derailment for Columbiana County, at a town hall and he didn't really know what Pennsylvania was doing yet. So that became its own dead end. In the beginning, I wanted to get well water testing done because I have a private well, but no one from either the EPA or PA DEP was doing testing yet in my area. Having no luck with the EPA, PA DEP, or elected officials I eventually reached out to Jeremy Vranesevich, the Community Liaison for Norfolk Southern, because at this point I was still afraid to use my well water. I asked if Norfolk Southern would be willing to test my well or if they would be willing to give me and my family clean drinking water. He refused to give us clean water or testing because he believed it would admit guilt when nothing was supposed to be wrong with the water and we are several miles outside of the testing radius. Despite this, I continued to put my name on testing lists and was told that my home was not within the two-mile testing radius that had been established. Eventually, an EPA contractor, Tetra Tech, did a soil test at my neighbor's which is an additional mile away from my home, but again they refused to test my soil. When I had reached out to the PA DEP on three separate occasions they too said they were only testing within a two-mile radius.

I later met Jim Marshall, the representative for Darlington, where I told him I was worried because I was sick, that my son and dad had been sick and we hadn't been able to get any testing. After talking about my symptoms I had begun to cry. His response was to say that,



just because I saw a black plume of smoke go over my house, it doesn't mean that I was affected, which as you can imagine was frustrating and dismissive of my concerns, so I ended up walking away from him. I later went back up to him and said I felt like that was very disrespectful and after that he went and took me around, basically holding my hand to the different tables at the town hall to try and get me answers.

Following this interaction, I met Mark Durno of the EPA. In my conversations with him, he admitted to me privately that the action taken during the vent and burn could have been described as an open burn. In my next conversation with him, I had been made aware that Ohio was a one-party consent state and so I could record. I decided to try and get him to admit to this again on the recording, which he did. The EPA now refers to my boyfriend, myself, and other community members as the Creek Ambassadors, and they say that they have seen videos we have posted on YouTube and TikTok. The first day that creek cleanup began, in about March of 2024, the contractors for Norfolk Southern had lost containment of the large amount of chemical sheen going down the creek and my boyfriend had been there to monitor what was going downstream. He decided to post online what had been going on, but at the same time Trisha Edwards of the EPA was made aware of the situation and told the crew on scene to shut down operations. She later told us at a meeting with the Creek Ambassadors she was not aware of how long this was going on, and even after the crew was told to shut down operations they did not, until they were told to do so again. At the later meeting, Trisha Edwards and Mark Durno apologized for the cleanup not going as planned and called it inexcusable and thanked us for what we had been doing with keeping an eye on what was going on around town. My boyfriend and myself have also been asked to point out areas of concern for cleanup to the EPA. We have also noticed that when we show up to observe what is going downstream or not going



downstream, contractors and workers will stop cleanup and at times they will even pack up and leave. We have addressed this with Mark Durno with the EPA and he can also not see why they would stop cleanup. We continue to have concerns about the banks of the creeks and how even now, over a year and a half later, they have not been cleaned, even though we have been bringing this up to the EPA many times.

### **Accountability**

There are many things that the EPA and Norfolk Southern could do for the residents of East Palestine and Beaver County, but much of it will come too little, too late. For me and mine, I believe that the future medical and funeral expenses should be covered by some sort of survival fund. The fear of not knowing when we are going to die is like a ticking clock due to the lack of information being released to us victims. It is even more cruel than the poor decision making. At this point, the damage has already been done, relocating us won't stop the detrimental effects to our future health outcomes. I have lived in Darlington for over a year since the vent and burn and I am sure it has only added to the damage that I have endured to my health. I should never have had to make these sacrifices and I am not trying to be a hero. I am only doing what I feel is right for my family and my neighbors and the environment because that's what I was always taught to do. I would stop going and investigating the pollution of Sulphur Run and Leslie Run if there was a full disclosure of the facts and potential harm to myself and others. However, to this date, such has not been the case.

Members of both the EPA and members of Norfolk Southern, in my opinion, should be in prison for the rest of their lives for the harm that they have caused and for the future environmental harms that are yet to be determined. In my opinion, Norfolk Southern should lose its operating license because they continue to harm communities across the United States, this

would set a precedence for all corporations to do better for the communities that they operate in.  
When is it the right time to value human life and the environment over profit? When do we  
matter?

**I have read the above 9-page statement, and it is true, accurate and complete to the best of my  
knowledge and belief.**

July 26, 2024

**Date**



**Exhibit List:**

Exhibit A: [REDACTED] photo documentation of early aftermath of derailment

Exhibit B: TikTok and YouTube accounts of [REDACTED] see footnotes

Exhibit C: YouTube video from @StatusCoup channel; see footnotes

## EXHIBIT A





# EXHIBIT 68

Affidavit of [REDACTED]

My name is [REDACTED]. I am giving this statement freely and voluntarily to Jalissa Spalding, without any threats, inducements, or coercion, who has identified herself to me as a student attorney with the Government Accountability Project through the University of the District of Columbia David A. Clarke's School of Law's Whistleblower Protection Clinic. I am giving my statement because I have seen first-hand the corruption that occurs when disasters occur. Specifically, the catastrophe in East Palestine, Ohio, has negatively affected my life due to corruption and cover-ups by government entities, and I hope to get government accountability for those affected.

I, [REDACTED], give permission to Tom Devine through the Government Accountability Project to use my affidavit. Tom Devine has full-scope permission to share with anyone. There is no limitation on who Tom can share this information with, as I feel very comfortable sharing my experience.

Background

I am originally from Sewickley, Pennsylvania. I went to East Palestine High School for a short stint but ultimately graduated from Wellsville High School. I earned my associate degree in biology from Kent State University. Balancing being a mother, working a full-time job, and being a full-time student became too much for me mentally, so my higher education aspirations were put on hold. I am currently on unpaid leave at my place of employment and unable to work any schedule due to the East Palestine Train Derailment.

Narrative

On the evening of February 3, 2023, I was inside my house with my son, making Valentine's Day cards for his classmates. We suddenly heard loud sirens and saw a massive cloud of dark smoke. There were non-stop sirens, which worried us and prevented my son from sleeping. I walked a few blocks from my house and saw an enormous fire and all traffic being re-routed from town to the direction of my home, about a mile away from the derailment. I started to feel weird, with a numbing sensation in my hands. I thought it was due to it being freezing outside, so I went back home and tried to find more information about what was going on, which prevented me from sleeping. I received an emergency alert text on my phone saying there was a train derailment and mentioning an optional evacuation for people who lived within a mile radius of the derailment. There was no mention of chemicals. The text mentioned a recommendation to shelter in place for people who lived outside the one-mile radius without insight into what that meant.

Around 3:00 AM, I started feeling very sick. I was nauseous; my eyes and throat were burning. My lips were tingling. I felt dizzy and disoriented. I realized I smelled chemicals like sweet bleach or even a nail salon. The smell was distinctly chemical. I then heard my son projectile vomiting in his room. He was shaking and gasping for water. The scent was much stronger in his room. My son has had asthma issues and has been hospitalized for asthma in the past, so I wanted to get him out of the house and away from the chemical smell as soon as possible. I packed an overnight bag, thinking we could return to our home soon, but little did I know we would be displaced for over a year. I later learned a train owned by Norfolk Southern derailed about a mile from where I lived. The train cars carried hazardous chemicals, including benzene, vinyl chloride, and other dangerous chemicals.



On February 5, we were told there was a mandatory evacuation of East Palestine, Ohio residents, which never extended past a one-mile radius, but we had already left. We went to a hotel in Beaver Falls, PA, about 20 miles from East Palestine, Ohio. On February 6, I watched the tanks and trains being blown up and burned from my son's grandmother's house about 20 miles from East Palestine. I could see the thick, black smoke from that far away. The smoke plume cloud took over my son's grandmother's street, and she never had an opportunity to test it in any capacity. The plume's presence in Pennsylvania has been almost completely ignored. Because of this, we left the hotel in Beaver Falls and relocated to a hotel in Monaca, PA. A week later, we left this hotel because it was across the street from a Shell Ethane Cracker gas plant, after hearing of confirmed malfunctioning and emissions of the same kind of chemicals. We then relocated to another hotel in Cranberry, PA.

In April of 2023, we tried to live in an Airbnb to provide some normalcy after staying in a hotel for so long. However, the Airbnb owner began charging us close to \$80 more a night after he learned Norfolk Southern was reimbursing residents affected by the East Palestine train derailment. The price increase was inconvenient because of the difficulty of getting reimbursed by Norfolk Southern, and reimbursements were never guaranteed. We left to go to an Extended Stay hotel in May of 2023 for more space and a longer rental. We have been living in the Extended Stay ever since. We have not been able to return to our home in East Palestine, OH. Although Norfolk Southern has told me it was safe to go back home, every time I go back to East Palestine, I feel sick and have distinct symptoms that I did not previously have.

After the derailment, I was under the impression that we could eventually return to East Palestine. I was set to be on the Environmental Protection Agency's cleaning list, but after waiting roughly eight months, I was told the contractor had lost my name on the list, which

resulted in no cleaning being done to my home at all. I didn't realize I would never get the opportunity to return home due to false promises made by Norfolk Southern. Norfolk promised they would help me find somewhere else to live, but they haven't. They continue to pick and choose who they will support and provide resources for. They would not work with hotels to pay them directly for reimbursing my stay. Instead, I was burdened with returning to East Palestine every single week and enduring the chemical smell to get pre-paid gift cards from them so that I could pay for a place to stay. Each time I returned to East Palestine, my symptoms of nausea and dizziness returned and sometimes would take several days to pass.

In the Summer of 2023, I prematurely ended my lease when I realized help would not come and proper cleanup would not occur anytime soon. Months after the derailment in the summer, I still could not be in my home for more than a few minutes without getting sick. Norfolk Southern had told me to wait for the cleanup for months, which was an inconvenience, and we could not put our lives on hold any longer.

Norfolk Southern has mocked me, including laughing when I begged for assistance. They have made vague promises, assuring me they would help replace items in my home. Still, they retracted their statements and, as of two months ago, on February 15, after a brief walkthrough air test done by Norfolk Southern contractors and the Environmental Protection Agency (EPA), they said I needed specific individualized testing to prove contamination in my house to replace my belongings. I had independent testing done in my home, yet Norfolk stated that it was not good enough and there was specific testing I needed to have. They did not provide any information about the particular testing they required or how to have those tests done. Norfolk also told me that the Environmental Protection Agency (EPA) was offering free individualized testing, which I later found out was not true. After Norfolk told me this, I called



the EPA and was told that they were not offering free individualized testing and had never offered it before. Better and more in-depth air monitoring and sampling tests are available, but Norfolk Southern refused to administer those tests. I begged for months until they finally completed another test, only outside. That test turned out to be the exact same test they had administered before, which was not sensitive enough. I have been asking many agencies for testing since the derailment, including Norfolk Southern and the EPA, and it has never been provided or made available to me except for this brief test conducted in February 2023.

Norfolk also threatened that if I got a lawyer, they would not speak to me or help me. I have been told several times that they were stopping my reimbursements for living expenses. As of April 2024, they told me I was receiving my last reimbursement. However, once I started to speak out to news outlets like Cable News Network ("CNN"), they assured me I would continue to receive help and that help was evaluated on a case-by-case basis.

#### Injuries And Medical Diagnosis

On February 4, which was the day after the derailment, my son felt fine, but a couple of days later, my son developed rashes on his arms. I took my son to an allergist, who stated he had chemical exposure but provided no remedy for my son's symptoms. We were just given steroids for his rashes and told to go to the emergency room if it got worse. These rashes were something he never experienced before the train derailment and would come and go after the chemical exposure. Additionally, rashes developed on his face about a month or two after the derailment.

Shortly after the train derailment, I developed heavy menstrual bleeding. My doctor could not explain it; this had not occurred before the chemical exposure. I experienced broken blood vessels in my hands, tightness in my chest, numbness in my legs and hands, tooth pain and tooth



looseness, and panic attacks. I have fibromyalgia, but the train derailment has exacerbated my current condition.

Conclusion

Norfolk Southern's negligence, insensitivity, and corruption have drastically affected my life. I have not been able to return to work because my job is in a contaminated place that I do not feel safe in. My son has been in an online school program for over a year because of unsafe school conditions near East Palestine, and he can't enroll in a physical location due to not having a permanent address since we are still living in a hotel. The online program requires me to help my son extensively and be a full-time teacher because he cannot do it alone, restricting where and when I can work. I am physically, mentally, financially, and emotionally exhausted. The psychological stress is palpable, and I cannot see the end of the tunnel. Norfolk Southern has left me to pick up the pieces of their shortcomings.

**I have read the above six-page statement, and it is true, accurate and complete to the best of my knowledge and belief.**

**Affiant Signature**

**Date**

7/31/24

A large black rectangular redaction box covering the signature of the affiant.

Affidavit of 

Page 6 of 6

# EXHIBIT 69

**Affidavit of** [REDACTED]

My name is [REDACTED] and I provide this statement freely and voluntarily to Tom Devine, whom I recognize as the legal director of the Government Accountability Project. I provide this account of the events surrounding the train derailment on February 3, 2023, as a witness to the incident and its aftermath. At the time of the incident, I was 47 years old, residing in East Palestine, and dealing with asthma since childhood. I am a mother to a 17-year-old son who was attending high school at the time and have a fiancé, [REDACTED], present at the time.

**Night of Accident**

On the night of February 3rd, I received a message from a friend who lived two streets back checking on my son's whereabouts, as she mentioned hearing about a train derailment close by. Initially, I dismissed it as a minor incident, perhaps a car accident involving a train. However, as the night unfolded, the magnitude of the disaster became apparent. The sky was lit up, and all I could hear were ambulances. Then a close friend messaged me about a train derailment, and we were worried for friends that feel like family. I felt the whole town was on fire, and my fiancé wanted to help others. I noticed it was freezing and quiet besides the explosions and sirens but ended up going towards the area to help.

We drove down the street and went down the back road, it felt like a nightmare. I saw things exploding and kept praying for my close friend, [REDACTED] to make sure she was alive. I kept getting a text to go back to the school, which is not that far from there, about a mile. My fiancé told me he felt something and needed to go home. My friend came with us to our home.

Upon returning home, we were told to shelter-in-place and didn't know exactly what that meant. I went into the old garage transferred into a bedroom, my friend slept in the guest bedroom and my son slept in his room. My first instinct was to leave but I followed instructions and put a pillow into my ear for quiet. When I went to the bathroom through the hallway, I could



still hear sirens and witnessed the fire from the kitchen. I woke up around 5 in the morning and felt so out of it that I couldn't think straight. At the time, I smelled something strong in the house, very strong like paint thinner but didn't think anything of it since I was so out of it. My fiancé and son struggled to wake up and I was freaking out because I was unaware of what was on that train. I went to bed, felt chest pain, and knew it wasn't normal. I told my fiancé to get up again and he felt grumpy. Then, I woke up my son and gathered a laundry basket filled with clothes, toothbrush, and necessities. We went to my mother's house for about two months, which is about 45 minutes to an hour away.

#### Relocation

During my time at my mother's house, my main focus was on my family's well-being, and I felt fortunate to have my son with me. We ended up eating out frequently because cooking meals was challenging, especially with limited resources. We relied heavily on microwavable meals and used a lot of gas for commuting between places. Honestly, if it weren't for my parents, I'm not sure where we would have ended up. There weren't any concerning smells or issues. Some people I knew had family in Florida and decided to relocate there, but for others who didn't have family out of town, staying close to the area was the only option.

I had to make some tough decisions when it came to relocating my dogs during the ordeal. I had four dogs in total, including a rescue puppy who was just under a year old at the time. It was difficult to leave them behind, but I had no choice as there wasn't room at my mother's house. I had to go back to let them out and feed them. Thankfully, my neighbors, who were also my best friends, stepped in to help since my parents' house was quite far away, about an hour's drive. However, the National Guard got involved and said they weren't allowing people to go back, which really scared me. I had to quickly bring the dogs with me, even though some of them didn't get along with each other. We ended up making a makeshift kennel out of a horse

trailer, using straw to keep them warm. It felt like a burden, bringing along my whole family and all our dogs. In the end, one of my neighbors offered to take in Trixie, the terrier, and she ended up adopting her.

We spoke to the landlord of the antique shop, who offered us a rental house in Edgewood, Ohio 44004 where we stayed for a while. At that point, we got the house cleaned in East Palestine, Ohio to put it on the market. It doesn't feel like we can go back there. We never felt safe there, and home is supposed to feel safe. I am proud of that East Palestine house as it was close enough to my parents, about 45 minutes to an hour away, and I got it after my divorce. There are many memories along with nice neighbors in the small town, and all my friends are there.

Currently, we live in a new home located in [REDACTED] Town on [REDACTED] Drive. Now, I feel pretty safe but exhausted trying to get back financially. Emotionally, I don't feel 100% secure but safer than I originally did. I'm very active and enjoy activities such as dancing and hiking. Recently, in my spare time, I started hiking a couple of miles with my son, and I'm excited to do it again. It felt great, and I also enjoy kayaking as my knees recover. Normally, I have Mondays and Sundays off, so I get time to see my mom and friends. The train derailment of February 3, 2023 has left a lasting impact on my life. Despite our efforts to move forward, the uncertainty remains. I want proper accountability and support from responsible organizations and companies to help the well-being of affected individuals and families like mine.

#### Extent of Contamination

The aftermath of the derailment left our town contaminated with a thin black dust that caused a burning sensation when touched. Despite efforts to clean it, the contamination persisted, affecting not only our physical health but also our emotional well-being. My knee became infected, and even our pets showed signs of illness.



Even simple outings, like attending a community event hosted by Mark Cuban, have turned into health scares. The wind carried something unsettling, leaving my tongue numb. It's not just our home environment either; even EPA meetings or visits to the church in the back of town trigger symptoms.

#### Avoiding the Truth

It's been discouraging to see how agencies have avoided stepping up to help in our time of need. FEMA should have been a lifeline for us. Instead, it feels like they've fallen short. The whole town should have been relocated to safer grounds, but instead, we were left to fend for ourselves. FEMA could have easily relocated us to safer locations like the fairgrounds, which are spacious and have buildings, instead of the high school, which posed its own dangers so close to the train derailment. Hotels could have been offered to those in need, setting a safer precedent for future crises.

The EPA's actions have been particularly disappointing. They misled us from the start and failed to properly investigate the contaminated areas. Only after much pressure did they finally remediate the affected sites. But even then, they allowed train tracks to be laid over contaminated soil, which is ethically questionable. Even now, as they promise to remove contaminated soil, people are still living in these areas, putting their health at risk.

I've lost faith in the CDC's ability to help. While they claim they can't treat anything right now, they seem to have no problem treating cancer when it arises. They've never even tested our homes, leaving families like mine in the dark about potential health risks. With summer approaching, the humidity and weather will only worsen the situation, bringing out more health hazards.

The local support has been impactful. Most of the help we've received has come from small local organizations like The Way Station, which provided water, food, and donations. It's



these organizations' efforts that I give credit to. Additionally, churches and other small organizations that gave water and essentials were helpful.

#### Financial Impact

We have an antique shop for work where we were already affected by COVID-19. I consider us fortunate to have some savings tucked away. We had to dip into our savings, all \$10,000 of it, just to buy a camper because living space was getting unbearably cramped with everyone under one roof. Typically, I work in the antique shop until 5p.m., then make deliveries with DoorDash until we're too exhausted. We're also burdened with credit card bills and paying off debt along with the cost of cleaning out the storage units. It will take years to be back where we were financially.

We were eligible for reimbursements from Norfolk Southern related to the train derailment. We had to go to a building located in Salem, Ohio. I had to budget strictly for essentials like gas, food, and rent. They wouldn't even consider reimbursing me until the following month. I remember sitting in those little cubicles, separate from my partner since we weren't married, going through what they could and couldn't pay for. Every month, I had to go back, check in hand, which was a hassle, especially considering I was still recovering from surgery. The first time I went, I had to use a walker to get around. I was placed in this big room, waiting for my turn, and saw familiar faces – friends, neighbors, people from the shop – all going through similar struggles.

#### Health Impact

My son's health, in particular, is a constant concern, with symptoms ranging from nosebleeds to shortness of breath. As a mother, it pains me to see him suffer and worry about his future. I can't believe the school allowed kids to return, especially given my son's compromised health. It's been a constant struggle to get proper medical attention. His pediatrician refused to

conduct blood tests or even consider a colonoscopy. The doctor mentioned the blood test for vinyl chloride and other train car chemicals were against the CDC's recommendations. With his graduation just around the corner, I find myself counting down the days.

Personally, I've experienced chest pains and gastrointestinal issues. Meanwhile, I've been trying natural detox methods like Epsom salts to cleanse my body of whatever chemicals we may have been exposed to. The sickness that followed was excruciating – sweating, body aches. I can't help but hope for government intervention, like the aid provided during natural disasters.

[REDACTED]

**I have read the above five-page statement, and it is true, accurate and complete to the best of my knowledge and belief.**

[REDACTED]

**Affiant Signature**

[REDACTED]

**Date**

# EXHIBIT 70



Wednesday, March 27, 2024

**Attn: Senate Veterans Affairs & Emergency Preparedness Committee**

**Re: Public hearing on the February 2023 Norfolk Southern train derailment**

To Whom it may Concern,

My name is [REDACTED]. I live in Raccoon Township, Beaver County, Pennsylvania which is approximately 20 miles (Measured at a later date to be 16 miles) from the East Palestine derailment disaster. Most of my large extended family lives within 1 to 10 miles of the derailment.

I've attached my medical records from the Assistance Center visit that **I'd love help with investigating because the details are very inaccurate. I'm hoping a recording of this visit can be dug up.**

The weekend of the derailment I didn't hear about it until I saw something on Facebook the next day and started trying to find more information on TV and news sites and social media. By Sunday I was pretty concerned about the contents of the train cars and realizing how dangerous this was.

I received this Emergency Alert on my phone at 3:15 PM on Feb 6<sup>th</sup> 2023 (the day of the "controlled" burn).

**Public Service Alert.**

**This is a message from Beaver County. In reference to the train derailment in Columbiana County Ohio, the recommended evacuation zone remains at 1 mile from scene. This puts the evacuation zone in a portion of Darlington Township, Beaver County. It is highly recommended that the residents within the one mile evacuation zone evacuate immediately.**

The more I found out, the more concerned I became. I was looking up Vinyl Chloride and watching the Pittsburgh news and weather. There was barely any wind and the chemical cloud was moving slowly in my direction. There was also a weather inversion that I knew would hold the smoke down and not let it dissipate.

I found a wind direction weather map and watched that. The wind was supposed to pick up and shift direction around midnight. **I turned off my furnace** and told my sister who lives much closer to do the same. Why would an Emergency Message **not include that basic information?**

I stayed up late to try to figure out when I could turn the heat back on. At midnight I went outside my front door to see if the air had cleared. It hadn't yet. **I breathed in chlorine smelling chemicals that seared my throat and sinuses.** I waited another hour, checked outside again, and decided I could turn the heat back on.

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**Two more times I was exposed** in the following weeks. Supposedly it was safe to go back to East Palestine. On the 14<sup>th</sup> and 16<sup>th</sup>, I had business in Lisbon, Ohio which is roughly **15 miles** from the derailment site. On both occasions, I smelled chemicals in the air, **yes, that far away**. My assumption is, if you can smell it, you're being exposed. This is important later with the medical records.

Feb 16<sup>th</sup>, I contacted Microbac, a chemical testing lab, to inquire about soil testing. I had dug up my own soil samples from my yard before it rained. I didn't care how much it would cost. I knew the magnitude of what had happened. Governor Shapiro had promised testing for everyone, so I wanted to get mine started before the rush. They said they could test for Vinyl Chloride in soil. I asked if they could test for all of the chemicals on the train's manifest plus whatever chemicals are created by burning them, most notably hydrochloric acid and dioxins. I can provide a copy of these emails where it was stated they couldn't do that and didn't know of a lab that could

Feb 22<sup>nd</sup>, I had my furnace filters changed out, I saved the old one. Even though I had turned off my heat for hours during the worst of the "controlled" burn, I thought it would be important to save it.

**Symptoms:** I had a sore raw throat, mouth and sinuses for months. I also developed what I considered chloracne down my right arm which lasted months. The right side of my neck down my arm to my elbow, and the back of my upper arm was splotchy red and very itchy. The top of the same shoulder down the outside of my upper arm developed new to me deep angry pimples that looked like little ulcers.

**Assistance Center:** March 23<sup>rd</sup>, I decided it was important to get my symptoms documented so I went to the Assistance Center at the municipal building in Darlington, PA. They had tables set up so you could talk to different government representatives and talk to a doctor.

**The PA Department of Agriculture table:** I spoke to a gentleman at a table representing this department at one of the tables they had set up. There was also a woman from the PA EPA, but she never said a word, she let the Ag guy do all the talking. I asked about the recently released **dioxin test plan** from the EPA/NFS. It showed a map with places they planned on testing the soil, **but only if they found ash** at the designated dot on their map. I felt it was necessary to test that data point anyway, as it had rained and snowed several times since the disaster, so what were the chances of finding any ash? So, of all their data points they claim to have, how many were marked safe because they skipped testing that spot due to no visible ash? I was concerned about all my favorite farms. He just tried to reassure me that only one calf had died. I reminded him of all the dead fish. We just went around in circles. At this point I knew none of our concerns were going to be taken seriously.

**The Assistance Center doctor appointment:** The health department nurse said it was the first telehealth appointment they'd done, so it was a new experience for both of us.



Wednesday, March 27, 2024

We never got the video part working on the nurse's phone, so I explained my symptoms to the doctor over the phone while showing the nurse my arm and the series of rash photos with date and timestamps. I knew it wasn't going well when the doctor said he didn't think it was from the derailment, and asked if had I changed detergents lately. I got stern and told him we didn't know that and I just wanted to document my symptoms. I thought this would be taken seriously, but alas.

**Assistance Center Medical Records** (attached): Later, I requested and received a copy of the records from this visit and found a lot of what they documented **wasn't even correct**. Their notes state that I said I travelled to Lima, Ohio (over 200 miles away from me and nowhere near East Palestine) when in fact I said I went to **Lisbon, Ohio** which is only **15 miles** from the disaster and reeked of chemicals.

**I'm hoping a recording of this call may exist that can prove what I said. Please see the attached copy with my notes for more inaccuracies.**

April 6<sup>th</sup>, I still had a sore throat, and tested negative for strep throat. May 15<sup>th</sup> my primary care doctor tested my urine for vinyl Chloride metabolite which was negative. That was not surprising considering the distance I live from East Palestine (20 miles). Our area was more poisoned by the hydrochloric acid, phosgene and dioxins from the burn. She also did another throat culture since I still had a sore throat. Still not strep.

Most of my entire extended family, 100's of people, live within 10 miles or so of this disaster on both sides of the PA/OH border. My 2 children live far away, thank God. All my favorite farms to buy fresh food from are between my house and my sister's house in Ohio. All of these farms were in the path of the chemical mushroom cloud from the burn on Feb 6<sup>th</sup>.

The liquid chemical plume that was being tracked as it moved down the Ohio river isn't talked about anymore. The creeks are still full of chemicals but the EPA said it was safe and they had already cleaned it and seemed about to skip town. It wasn't until pressure from the locals, some whom we call the **Creek Rangers, kept documenting the contamination in the creeks** that "they" decided to retest the creeks and take credit like it was their idea. Now they are **WASHING** the sediment in the creeks to wash the chemicals downstream. It's hard to believe that's how things work.

The contamination is so widespread, air, water, soil. I am just sickened by the colossal nature of the disaster, and then the response to it. It seems they focused on digging up all that dirt but ignoring everything else on purpose. I acknowledge that a lot of work has been done. They removed so, so much dirt from the derailment site. It just seems strange how they've repeatedly claimed to be almost done with clean-up and wrapping things up in East Palestine without addressing the creeks. Without even barely acknowledging the impact of where the deadly chemicals travelled to by air and water. The damage to the water table is incalculable. They have promised to keep retesting peoples wells but who wants to wait for that? How long before the chemicals make it to your well?



Wednesday, March 27, 2024

The Facebook groups have exposed me to outside scientists that disagree with the EPA's findings about safety. Who can we believe? Several other poisoned and neglected communities have found and joined our Facebook groups in hopes of banding together in more numbers to protest the poisoning of our homes and environment. You would think that we'd have learned from past environmental disasters. Times Beach, Love Canal, et. But now we're learning there are many other poisoned communities in line ahead of us being ignored and gaslit.

There are maps that showed on radar where the chemical cloud travelled, especially on Detonation Day (D Day). People in those areas should have been moved out of the area in the short term (why we were pushing for FEMA to come). Then a buyout plan should have been put in place to let people who didn't want any more exposure to move immediately. **The home buyer assistance program that's in place now specifies a 5 mile radius for qualifying.** I appreciate that admission of guilt, but this current program **puts all the burden on the victim** and is not sufficient. It's so overwhelming to think about packing, fixing up your house to sell, finding a new place to go, and leaving your life behind. There are elderly and sick people and most don't have the means to do all that.

In my opinion from the models I've seen of the airborne chemical cloud, **Beaver County got hit the hardest** area-wise. A lot of it is pretty rural or it would have gotten more attention.

We feel they want to skip town ASAP and if that happens, they'll leave us with this chemical soup mess and never come back and **call it safe as we've seen them do in other disasters.**

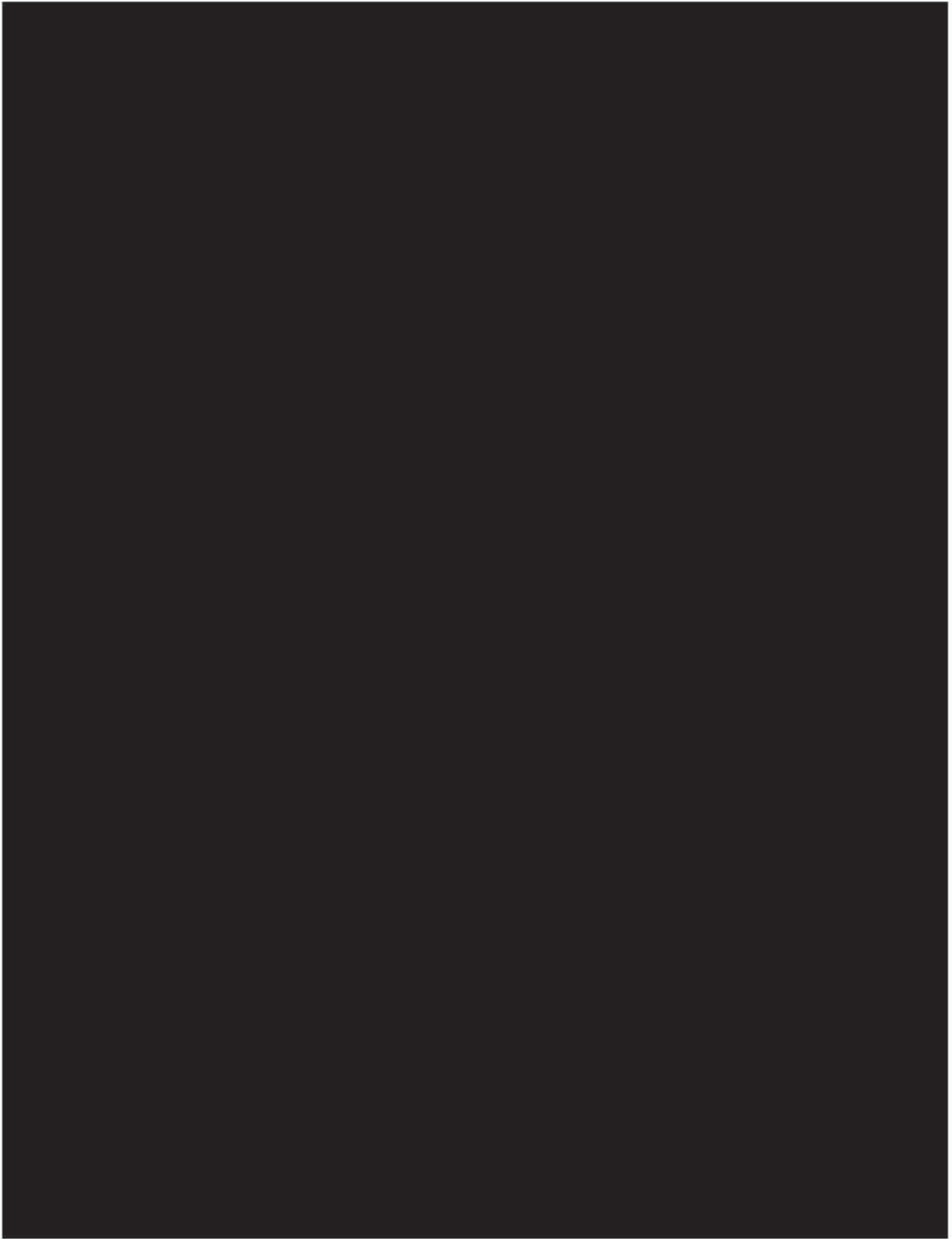
Figure out a radius or plume maps and get people the medical care they need and are going to need in the future which has been done in other disasters. Help whoever wants to move from that radius to move.

And if you want to see what an Assistance Center doctor visit was like, see my attachment. Lots of inaccuracies. I'd love some help investigating the inaccuracies.

Respectfully,



## **EXHIBIT A**

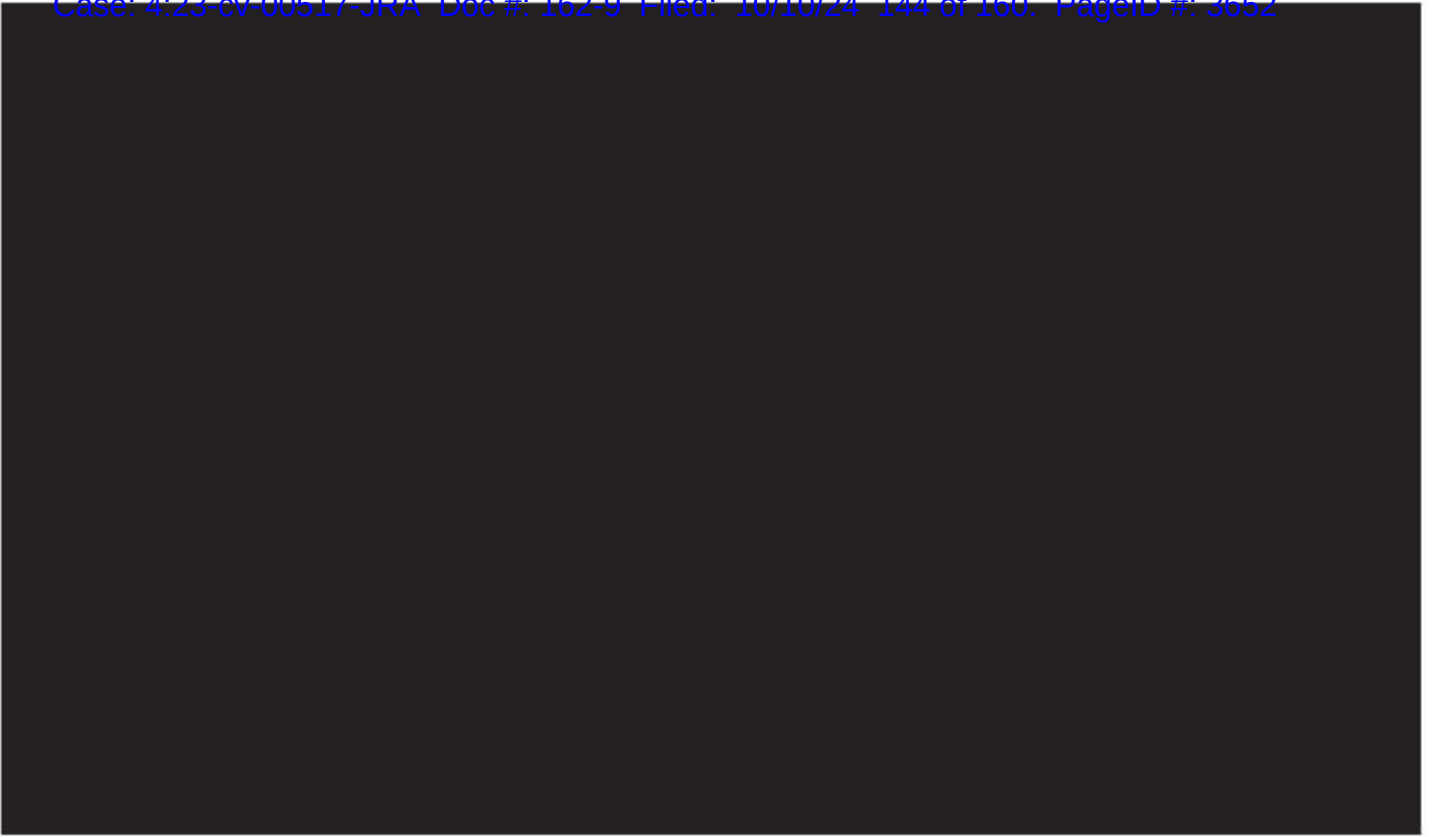






*False!*  
*Lisbon, OH*







# EXHIBIT 71



1612 K Street NW Suite #808  
Washington, DC, 20006  
(202) 457-0034  
whistleblower.org

June 27, 2024  
Sean O'Donnell  
Inspector General  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

**Re: Response to EPA Statements Denying Allegations in May 14, 2024  
Whistleblower Disclosure of Dr. Robert Kroutil**

Dear Mr. O'Donnell,

Following the May 14, 2024 whistleblower disclosures of our client, Dr. Robert Kroutil, a recently retired data quality manager at Kalman & Company, Inc., an Environmental Protection Agency (EPA) contractor working with EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) program, your office last month launched a preliminary investigation into the allegations raised in Dr. Kroutil's disclosure.

We appreciate your efforts to begin a preliminary investigation into the violations of law, rule, and regulation, abuse of authority, gross mismanagement, gross waste of federal funds, and substantial and specific danger to public health and safety that occurred by the EPA's failure to gather critical data that could have informed first responders and residents impacted by the toxic fires that burned the first four days of the Norfolk Southern train derailment in East Palestine on February 3, 2024.

Almost immediately after Dr. Kroutil's disclosures were publicized, the EPA denied his claims with little support, saying "the recent claims about EPA's ASPECT response in East Palestine are false and mischaracterize the Agency's commitment to scientific integrity and transparency."<sup>1</sup>

In light of EPA's attempts to falsely discredit Dr. Kroutil, Government Accountability Project submits the following information in response to EPA's rebuttal with a request that EPA take down messaging from its website dismissing Dr. Kroutil's disclosure.

**Summary of Disclosures**

First and foremost, Government Accountability Project stands behind Dr. Kroutil, a highly credentialed scientist who had direct knowledge of the East Palestine mission.

As you are now aware, Dr. Kroutil, a former EPA contractor and career scientist, disclosed that EPA failed to use its best chemical detection technology during the train derailment fires, and

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<sup>1</sup> "EPA Calls Whistleblower Reports False," Morning Journal, May 16, 2024,  
<https://www.morningjournalnews.com/news/local-news/2024/05/epa-calls-whistleblower-reports-false/>.

subsequent open burn.<sup>2</sup> Instead, the EPA flew the ASPECT aircraft on the fifth day after the initial derailment and one day after the open detonation of vinyl chloride and other chemicals, which created dioxins, phosgene – a chemical weapon banned in World War I - and more than 100 other dangerous chemicals. By the time the aircraft finally flew over East Palestine on February 7, 2023, the plume from the open burn had dissipated, but contamination was still visible in the creeks. However, EPA ASPECT Program Manager Paige Delgado during both flights on February 7 instructed ASPECT operators to shut chemical sensors off over contaminated creeks.<sup>3</sup> Additionally, the ASPECT plane was flown east of ground zero of the derailment site, an area where the plume of the burn had not traversed.

As a result of mismanagement including late deployment of ASPECT, instructions to turn off chemical sensors, and data collection over an area where the burn plume had not traversed, the data was inconclusive; the ASPECT gathered only 8 minutes of incomplete data on February 7. The ASPECT airplane did not follow the footprint of the plume that had cleared the day prior, and the ASPECT did not follow its normal protocol of collecting several hundred minutes of data over several days, which is its regular practice at chemical disasters and train derailments. However, the EPA ASPECT report summary for the East Palestine Train Derailment shockingly declared the vent and burn of five vinyl chloride train cars as successful due to low detection of chemicals.<sup>4</sup>

The delay and subsequent inexplicable decision to shut off chemical sensors denied the public and local authorities of real time chemical and other data necessary for responsible decisions about evacuations. It also set the stage for an unnecessary, disastrous burn of over 100 toxic chemicals by avoiding collection of critical temperature data that could have shown the train cars were cooling and *not* in danger of a catastrophic explosion.<sup>5</sup>

### **Qualifications of Dr. Kroutil**

Dr. Robert Kroutil is a senior PhD chemist who helped develop the EPA's ASPECT technology and program. He began work on the technology in 1984 within the Department of Defense (DOD) and has continued to work on the technology through the EPA when the agency assumed responsibility for the program in 2001. Dr. Kroutil was the senior U.S. government official at the DOD responsible for transitioning the technology to the U.S. EPA immediately after the 9/11 disaster. An expert in spectroscopy with a 40-year career working for DOD and EPA contractors,

<sup>2</sup> Government Accountability Project, "Whistleblower Disclosure of Dr. Robert Kroutil," May 14, 2024, <https://whistleblower.org/wp-content/uploads/2024/05/Kroutil-EPA-OIG-cover-letter-1-combined.pdf>.

<sup>3</sup> Julie Grant, "Questions about the Testing and Cleanup of Streams after the Train Derailment," The Allegheny Front, March 24, 2023, <https://www.alleghenyfront.org/testing-cleanup-contamination-surface-water-streams-train-derailment-east-palestine/>.

<sup>4</sup> Paige Delgado et al., "ASPECT Mission Supporting: Region 5 On-Scene Coordinator ASPECT Response to East Palestine Derailment, East Palestine, Ohio Airborne Spectral Photometric Environmental Collection Technology ASPECT TEAM," 2023, <https://www.epa.gov/system/files/documents/2023-02/ASPECT%20Summary%20%20Report%20-%20East%20Palestine%20Derailment%20Rev1.pdf>.

<sup>5</sup> "After Ohio Train Derailment, Tank Cars Didn't Need to Be Blown Open to Release Chemical, NTSB Says," AP News, March 6, 2024, <https://apnews.com/article/norfolk-southern-train-derailment-east-palestine-2df45af31d48bec51098991f5250b232>.



Dr. Kroutil is a data analyst who has participated in all 180 emergency response missions for the EPA ASPECT program since 2001.

Dr. Kroutil has 40 years' experience reviewing data from ASPECT sensors and approximately 50 open literature peer reviewed journals describing the EPA ASPECT technology. His expert scientist colleagues at Kalman & Company collectively have over 100 scientifically peer reviewed publications. Approximately ten are primary authors of scientific publications and another five colleagues are part-time, occasional authors of peer reviewed publications.<sup>6</sup>

During the East Palestine response, Dr. Kroutil was the lead data scientist for analysis of ASPECT data and was responsible for all quality assurance and quality control of the data. Indeed, the EPA had no mission assigned individuals qualified to analyze or review ASPECT data or to provide quality assurance of results; therefore, any comments from the EPA ASPECT program office or U.S. EPA Region 5 regarding the ASPECT's mission in East Palestine are speculative at best.<sup>7</sup>

Additionally, colleagues of Dr. Kroutil have publicly supported Dr. Kroutil's character and claims. Dr. Kroutil's former supervisor at Kalman & Company, Rick Turville, the program manager for the ASPECT airplane data interpretation, affirmed to the Associated Press that he trusts Dr. Kroutil's reporting because he is one of the world's preeminent experts in spectroscopy, and noted that he shares Dr. Kroutil's frustration about the delay in the ASPECT's deployment.<sup>8</sup> "These kinds of fires or refinery fires, fertilizer plant explosions, they don't happen often," Turville told the Associated Press, "But when they do, you got to be there, and you got to be there quick. And that's how you save lives."<sup>9</sup> Another colleague of Dr. Kroutil, who has requested to remain anonymous in the public domain, has offered to speak with the EPA OIG in support of Dr. Kroutil's disclosures.

### **Reply to EPA's Public Response to Dr. Kroutil's Whistleblower Disclosures**

In its response, shared with multiple media outlets, the EPA did not provide evidence to support its denial of the merit of Dr. Kroutil's disclosures, but instead offered the following assertions that East Palestine residents were not and are not in danger. Each assertion will be addressed in turn.

- 1. EPA: "As soon as the request was made, the aircraft was deployed the same day from its home base in Addison, Texas to Pittsburgh."<sup>10</sup>**

<sup>6</sup> Robert Kroutil, "Publications and Presentation List," email to Lesley Pacey, June 1, 2024.

<https://whistleblower.org/wp-content/uploads/2024/06/ASPECT-Publications-and-Presentation-List.pdf>.

<sup>7</sup> Additionally, the three EPA ASPECT program managers have a combined record of two years' experience with the ASPECT technology.

<sup>8</sup> Josh Funk, "Whistleblower Questions Delays and Mistakes in Way EPA Used Sensor Plane after Fiery Ohio Derailment," AP News, May 14, 2024, <https://apnews.com/article/east-palestine-whistleblower-train-derailment-norfolk-southern-c6cd8d0b526069a628120dc843cccc2f>.

<sup>9</sup> Ibid.

<sup>10</sup> ABC News, "Whistleblower Claims EPA Wasted Critical Time after Devastating Ohio Train Derailment," ABC News, May 16, 2024, <https://abcnews.go.com/US/whistleblower-claims-epa-wasted-critical-time-after-devastating/story?id=110313045>.

The EPA ASPECT's own website notes that the aircraft can be deployed within one hour of notice and be anywhere in the U.S. within nine hours.<sup>11</sup> According to FAA flight logs, the aircraft left Dallas three minutes before midnight on February 5, 2023 and failed to collect preliminary data over East Palestine on its way to Pittsburgh as per standard protocols employed during previous missions.<sup>12</sup>

Had the ASPECT flown on February 3, 4, 5 or 6, 2023, the EPA could have obtained critical and vital information about the multiple threats of dioxin, phosgene and other potentially deadly compounds. The fires and subsequent smoldering of dozens of hazardous material tanker cars the first four days of the disaster emitted more than five times the total toxic emissions as the total emissions of February 6 during the open burn human-caused detonation. The first four days of the derailment prior to the open burn exceeded 5 million pounds of toxic emissions.

Had the ASPECT airplane flown on February 6 before the train cars were detonated at 4:30 p.m. that day, there would have been definitive data whether the train cars were hot enough to create their own catastrophic explosion. By not flying over East Palestine before the open burn, the EPA deprived first responders and decision makers of essential information that could have informed decisions concerning the unnecessary vent and burn of five vinyl chloride train cars.

The EPA provided no explanation as to why it waited five days to collect ASPECT data and did not address allegations that the delay was due to questionable communication failures among EPA program management staff.<sup>13</sup>

2. EPA: **"Due to low ceilings and icing conditions, the flight crew made the determination that the aircraft was unable to fly safely on February 6, 2023, the day of the controlled burn."**<sup>14</sup>

Weather data, air traffic records, analysis by an expert meteorologist, David Shallenberger, NOAA Lead Meteorologist, and past experiences of whistleblowers indicate the ASPECT aircraft could have safely flown on February 6, 2023.

<sup>11</sup> US EPA, OLEM, "ASPECT," www.epa.gov, April 11, 2013, <https://www.epa.gov/emergency-response/aspect#:~:text=EPA%E2%80%99s%20Airborne%20Spectral%20Photometric%20Environmental%20Collection%20Technology%20%28ASPECT%29>.

<sup>12</sup> Government Accountability Project, "Whistleblower Disclosure of Dr. Robert Kroutil," May 14, 2024, <https://whistleblower.org/wp-content/uploads/2024/05/Kroutil-EPA-OIG-cover-letter-1-combined.pdf>.

<sup>13</sup> To the best of Dr. Kroutil's knowledge, the EPA delayed deploying the aircraft and collecting data because EPA ASPECT Program Manager Paige Delgado turned her phone off due to a migraine, and no one else in the EPA chain of command activated deployment of the aircraft. "Whistleblower Disclosure of Dr. Robert Kroutil," Government Accountability Project, accessed May 14, 2024, <https://whistleblower.org/wp-content/uploads/2024/05/Kroutil-EPA-OIG-cover-letter-1-combined.pdf>.

<sup>14</sup> US EPA, OLEM, "ASPECT," www.epa.gov, April 11, 2013, <https://www.epa.gov/emergency-response/aspect#:~:text=EPA%E2%80%99s%20Airborne%20Spectral%20Photometric%20Environmental%20Collection%20Technology%20%28ASPECT%29>.



First, there were no flight advisories at Pittsburgh International Airport, where the ASPECT remained grounded on February 6, 2023, or at the Beaver Falls County Airport, the nearest airport to East Palestine.<sup>15</sup>

Second, weather conditions were favorable on February 6, 2023; the official NOAA weather reports for the precise East Palestine weather on February 6, 2023, revealed no precipitation and ten miles of visibility, overcast skies and thin cloud deck at approximately 3,000 feet and 7 MPH winds.<sup>16</sup> At 4:51 p.m., 21 minutes after the train cars were detonated, the temperature in East Palestine was 30 degrees Fahrenheit and visibility remained at 10 miles.<sup>17</sup>

Third, flights at neighboring airports continued as normal on February 6. Commercial and pleasure aircraft flew take offs and landings continuously during the critical train car open burn and plume deposition hours. Higher than normal flight traffic was logged taking off and landing February 6, 2023, at Pittsburgh International Airport where ASPECT remained grounded. The airport logged 348 arrivals and departures of various aircraft on February 6, 2023, according to The Operations Network archived reports for Pittsburgh International Airport (KPIT) and Flight Aware archives.<sup>18</sup>

Additionally, 54 takeoffs and landings were recorded February 6, 2023, at the Beaver Falls County Airport, the airport closest to East Palestine, according to Flight Aware archives.<sup>19</sup> Multiple media outlets also flew various aircraft over East Palestine that day and a commercial jet captured a photo above the plume.<sup>20</sup>

Fourth, NOAA Lead Meteorologist David Shallenberger confirmed that there were no Significant Meteorological Information (SIGMETs), Airmen's Meteorological Information (AIRMETS),<sup>21</sup> or Weather Advisories over the Pittsburgh area on February 6, 2023.<sup>22</sup> Of the more than 300 flights

<sup>15</sup> David Shallenberger (Lead Meteorologist, Incident Meteorologist, Fire Weather Focal Point, NWS Pittsburgh), email message to Lesley Pacey, June 4, 2024.

<sup>16</sup> "NOAA weather Beaver Falls Airport Near East Palestine February 6, 2023," Whistleblower.org, accessed June 25, 2024, <https://whistleblower.org/wp-content/uploads/2024/06/NOAA-weather-Beaver-Falls-Airport-near-East-Palestine.xlsx>; National Oceanic and Atmospheric Administration, "NOAA weather report for Beaver Falls Airport near East Palestine on February 6, 2023," www.whistleblower.org, accessed June 25, 2024, <https://whistleblower.org/wp-content/uploads/2024/06/NOAA-weather-Beaver-Falls-Airport-near-East-Palestine.xlsx>; Time and Date, "East Palestine Weather History for February 6, 2023," accessed June 25, 2024, <http://www.timeanddate.com/weather/at/5152794/historic?month=2&year=2023>; Custom Weather, "East Palestine Weather Archives," accessed June 25, 2024, <https://whistleblower.org/wp-content/uploads/2024/06/East-Palestine-Weather-History.png>.

<sup>17</sup> Custom Weather, "East Palestine Weather Archives," accessed June 25, 2024, <https://whistleblower.org/wp-content/uploads/2024/06/East-Palestine-Weather-History.png>.

<sup>18</sup> PIT Pittsburgh Intl Airport (PIT/KPIT), "FlightAware," accessed June 25, 2024, [https://whistleblower.org/wp-content/uploads/2024/06/PITT-weather-conditions-WBAN\\_94823\\_2023-2-6.pdf](https://whistleblower.org/wp-content/uploads/2024/06/PITT-weather-conditions-WBAN_94823_2023-2-6.pdf).

<sup>19</sup> FlightAware, "Beaver Valley County Airport (BVL/KBVI) Arrivals and Departures," accessed June 25, 2024, <http://www.flightaware.com/live/airport/KBVI>.

<sup>20</sup> "Passenger photo while plane flew near East Palestine, Ohio chemical disaster," iFunny, accessed June 25, 2024, <https://ifunny.co/picture/passenger-photo-while-plane-flew-near-east-palestine-ohio-chemical-2cmX5r5HA?s=cl>.

<sup>21</sup> "What Is a SIGMET in Aviation? (vs AIRMET)," 2023. Aero Corner. February 7, 2023. <https://aerocorner.com/blog/what-is-a-sigmet-in-aviation/#what-is-a-sigmet-and-airmet>.

<sup>22</sup> David Shallenberger, email message to Lesley Pacey, June 4, 2024.



that took off and landed that day in Pittsburgh, 16 pilots within 25 nautical miles of Pittsburgh International Airport reported light to moderate icing conditions, according to Pilot Reports of actual flight conditions, also known as Pilot Reports (PIREPs).<sup>23</sup> Additionally, there also were no FAA advisories, SIGMETS or AIRMETS on the same day for Beaver Falls County Airport (BVI).<sup>24</sup> Only one of the 54 pilots taking off and landing at BVI reported light icing conditions over BVI that day, according to a PIREP report.<sup>25</sup> The EPA's ASPECT aircraft is a Cessna 208B, an aircraft that can be susceptible to icing related incidents and accidents. However, both Dr. Kroutil and a pilot with extensive, direct relevant experience, who has currently chosen to remain anonymous,<sup>26</sup> contend the ASPECT could have flown on February 6 due to a lack of adverse weather conditions and flight advisories and based on the aircraft's past performance in icing conditions.

Dr. Kroutil, who analyzed data for all of ASPECT's 180 missions, said it was not unusual for the ASPECT to fly in rough weather despite advisories. For example, the ASPECT flew behind the eye wall of Hurricane Katrina, gathering at least 300 minutes (about 5 hours) of data on each of the 14 days (about 2 weeks) it flew over Louisiana chemical plants looking for leaks. The ASPECT also immediately followed the eye wall of Hurricane Rita after it made landfall near Beaumont, Texas. The aircraft flew through hail and detected leaks at an ammonia plant in Port Arthur, Texas, while also detecting chemical releases from the Dupont Plant and Bolero Energy plant in Port Arthur.

Kroutil, who has overseen 180 ASPECT missions, has said the aircraft has repeatedly flown in adverse weather and during icing and other weather advisories. The single engine aircraft the EPA uses flew in winter icing conditions in Detroit in response to a chemical plant accident despite weather advisories. The ASPECT aircraft also flew in icing conditions in West Texas while responding to a fertilizer plant fire.

One pilot, who chose to speak with Government Accountability Project under the condition of anonymity, has flown the Cessna 208B, also known as a "Caravan," for more than a decade. He contends that cargo carriers such as FedEx and UPS use this model of aircraft regularly in cold and icing conditions in the Midwest without incident.<sup>27</sup> This pilot stated:

There are 100 to 150 Cessna 208B caravans flying all winter long carrying cargo for FedEx, UPS and other carriers," he said. "The caravan is quite capable of flying in light to moderate icing conditions and I have flown in such conditions many times. I flew in Indiana from Indianapolis to Northern Indiana in the caravan many times in the winter in light to moderate

<sup>23</sup> Whistleblower.org, "pireps\_202302060000\_202302062359-near-PIT-1.csv," 2024, [https://whistleblower.org/wp-content/uploads/2024/06/pireps\\_202302060000\\_202302062359-near-PIT-1.csv](https://whistleblower.org/wp-content/uploads/2024/06/pireps_202302060000_202302062359-near-PIT-1.csv); "PIREP Basics," AOPA, April 11, 2019, <https://www.aopa.org/training-and-safety/online-learning/safety-spotlights/pireps-made-easy/pirep-basics>.

<sup>24</sup> David Shallenberger, email message to Lesley Pacey, June 5, 2024.

<sup>25</sup> David Shallenberger, email to Lesley Pacey, June 2024, containing "pireps\_202302060000\_202302062359-3-1.csv," [www.whistleblower.org](https://whistleblower.org/wp-content/uploads/2024/06/pireps_202302060000_202302062359-3-1.csv), 2024, [https://whistleblower.org/wp-content/uploads/2024/06/pireps\\_202302060000\\_202302062359-3-1.csv](https://whistleblower.org/wp-content/uploads/2024/06/pireps_202302060000_202302062359-3-1.csv).

<sup>26</sup> Anonymous pilot (Cessna 208B expert), telephone interview by Lesley Pacey, June 11-12, 2024.

<sup>27</sup> Ibid.

icing conditions. There are many different caravans that fly across the Midwest in the winter. Icing is not usually a problem. I fly all the time in Indiana in the winter and the caravan can absolutely handle light to moderate icing conditions. If there are reports of light to moderate icing conditions, you can work around it. There are things you can do to eliminate those conditions such as an altitude change. If they must stay at a certain altitude, that could be an issue. But if they had free reign to move up and down, it would be okay. The caravan can also handle low ceiling conditions, it can just maneuver around the clouds. For instance, it can fly 1,000 feet AGL (above ground level).<sup>28</sup>

Thus, substantial evidence uncovered by Government Accountability Project's investigation indicates that the weather conditions cited by the EPA to explain why the aircraft could not fly the day of the controlled burn – a delayed deployment still four days after the disaster - should not have prohibited an ASPECT flight that day.

**3. EPA: "Weather conditions were favorable for data collection on February 7, 2023, and the aircraft conducted two flight missions, providing the information it was requested to collect consistent with previous ASPECT responses."<sup>29</sup>**

The EPA's response fails to address the serious irregularities in the East Palestine mission raised by Dr. Kroutil in his May 14, 2024 whistleblower disclosure. First, as noted previously, the ASPECT response was delayed for days despite indications that it could have safely flown before February 7, 2023.

Second, the information collected was disproportionately minimal compared to past missions. As described in Dr. Kroutil's disclosure, EPA ASPECT Program Managers inexplicably instructed the aircraft operators to turn off chemical sensors over contaminated creeks in East Palestine on both flights on February 7, 2023, something whistleblower Dr. Kroutil had never seen in a previous mission. While the ASPECT airplane normally collects hundreds of minutes of data over several days, in the East Palestine response, the aircraft collected only eight minutes of data during the February 7 flight, missing four days of data from the derailment fires and open detonation of train car chemicals.

Third, contrary to the EPA's assertion, the East Palestine mission was not consistent with previous ASPECT responses. In this case, detailed mission objectives were not conveyed to the scientific data analysis team. Furthermore, this mission was unlike previous ASPECT responses in which ASPECT deploys timely and gathers hundreds of minutes of data over several days. Finally, the East Palestine chemical incident was unprecedented in its scope and magnitude of life threatening contamination including dioxin and phosgene. With chemical releases that exceeded 5 million

<sup>28</sup> Ibid.

<sup>29</sup> US EPA, REG 05, "What Is EPA's Response to Inaccurate Claims about Its Use of ASPECT?" US Environmental Protection Agency, June 10, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/what-epas-response-inaccurate-claims-about-its-use-aspect>.



pounds from February 3 through February 8, 2023, the event was likely the largest chemical volume dispersed since 9/11.

**4. EPA: The EPA vehemently denied accusations that the agency's official report of the ASPECT response had been altered in any way.<sup>30</sup>**

Dr. Kroutil, who wrote the software ASPECT uses and helps decipher the data it collects, reported that his team labeled the mission "inconclusive" because not enough relevant data was recorded, and the plane's chemical sensors were turned off over creeks surrounding the disaster site.<sup>31</sup> The EPA then modified the report's summary to declare the vent-and-burn "successful." Kroutil also disclosed the EPA asked him and his employer Kalman & Company to write a Quality Assurance Project Plan (QAPP) three weeks after the East Palestine mission and then predate the QAPP before the East Palestine mission. The EPA OIG has been provided with a recording of a conversation in which EPA ASPECT program management made this request.

**5. EPA: "Within hours of the derailment on February 3, EPA responders were on-scene establishing a robust air monitoring network at the site and within the community."<sup>32</sup>**

There was no robust in-depth sampling in the East Palestine, Ohio, Pennsylvania or West Virginia environments that were impacted by the East Palestine plume depositions according to an anonymous meteorological expert who worked for decades in emergency response and chemical remediation.<sup>33</sup> EPA's air monitoring for the first week of the derailment included ground monitoring through summa canisters, treated stainless steel cylinders that collect air samples over a preset time period, and roving air monitoring.<sup>34</sup> On February 6, 2023 at 10:30 p.m. - more than five hours after the vent and burn train car detonations - the EPA managed to set up the first summa canister at the ground zero after most of the plume had moved out of East Palestine, with the other two summa canisters arbitrarily placed upwind and at a distance from the derailment site, according to EPA's own website.<sup>35</sup>

The EPA's stationary air quality monitoring on the ground appears minimal, based on the EPA's air sampling data on its website<sup>36</sup> which revealed only scant, mostly upwind stationary air monitoring the week of the derailment. The stationary monitoring did not provide real-time

<sup>30</sup> Stephanie Elverd, "EPA: Whistleblower reports involving derailment false," The Vindicator, May 16, 2024, <https://www.vindy.com/news/local-news/2024/05/epa-whistleblower-reports-involving-derailment-false/>.

<sup>31</sup> "Whistleblower Disclosure of Dr. Robert Kroutil," Government Accountability Project, accessed May 14, 2024, <https://whistleblower.org/wp-content/uploads/2024/05/Kroutil-EPA-OIG-cover-letter-1-combined.pdf>; Josh Funk, "Whistleblower questions EPA delays in use of sensor plane after Norfolk Southern derailment," Associated Press, May 14, 2024, <https://apnews.com/article/whistleblower-epa-delays-sensor-plane-norfolk-southern-derailment>.

<sup>32</sup> US EPA, REG 05, "What Is EPA's Response to Inaccurate Claims about Its Use of ASPECT?" US Environmental Protection Agency, June 10, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/what-epas-response-inaccurate-claims-about-its-use-aspect>.

<sup>33</sup> Anonymous meteorological and chemical remediation specialist, interview by Lesley Pacey, June 6, 2024.

<sup>34</sup> US Environmental Protection Agency, "Air Sampling Data," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/air-sampling-data>.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.



instantaneous data, unlike the ASPECT, which is the EPA's best technology for real time chemical detection as it can instantly detect nearly 80 chemicals, and more than 500 chemicals through additional hand analysis.

The EPA can deploy Trace Atmospheric Gas Analyzer (TAGA) buses to provide real-time monitoring. However, TAGA was not deployed until March 2, according to EPA's website.<sup>37</sup>

The EPA's website shows that EPA conducted no stationary air monitoring on February 3, the evening of the derailment.<sup>38</sup> Only one summa canister was placed at East Palestine City Hall on February 4, upwind and miles away from the derailment.<sup>39</sup> On February 5, the EPA placed one summa canister upwind.<sup>40</sup> On February 6, the day of the open burn and detonation, in East Palestine there were only three stationary summa canisters,<sup>41</sup> which often take several days for data analysis, according to the anonymous meteorological and chemical remediation expert.<sup>42</sup>

Normally, in an immediate area of over 13,000 people, including in the East Palestine, Darlington, Pennsylvania, and Negley area, one would expect to see in excess of 20 summa canisters and similar real-time air monitoring instrumentation on the ground following a disaster, along with ASPECT's real time monitoring, according to the anonymous expert.<sup>43</sup> Canisters should have been placed at ground zero as well following meteorological data from on-site meteorological stations because the winds vary and monitoring locations should vary accordingly, he said.<sup>44</sup> This expert characterized the on-ground stationary monitoring in East Palestine as "woefully inadequate."<sup>45</sup>

The EPA had no stationary air monitors tracking air quality on February 7 and one summa canister was placed at ground zero on February 8, the day the evacuation was lifted.<sup>46</sup> The stationary monitors did not test for phosgene, dioxin congeners and numerous other products of incomplete combustion, according to EPA reports.<sup>47</sup> A second stationary air monitor – a sampling bag – was placed in East Palestine on February 8, but no lab results were recorded on EPA's website for this monitor.<sup>48</sup>

In addition to stationary monitoring, the EPA did provide "roving" air monitoring through Norfolk Southern contractor Tetra Tech the week following the train derailment.<sup>49</sup> The EPA's website

<sup>37</sup> US Environmental Protection Agency, "About Air Monitoring," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/about-air-monitoring#:~:text=Air%20monitoring%20vehicles%20are%20being%20used%20in%20East,the%20derailment%20site%20and%20in%20the%20surrounding%20community>.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Anonymous meteorological and chemical remediation specialist, interview by Lesley Pacey, June 6, 2024.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> US Environmental Protection Agency, "Air Sampling Data," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/air-sampling-data>.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> US Environmental Protection Agency, "About Air Monitoring," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/about-air-monitoring>.

shows data from February 4 through February 8, when the vent and burn evacuations were lifted. The EPA also recorded roving air monitoring on February 6 after the open burn of multiple hazardous material train cars that included more than 2 million pounds of PVC resins that created numerous congeners of dioxin. The roving monitoring took place February 6, 7 and 8, according to EPA's website<sup>50</sup> showed data before and immediately after<sup>51</sup> the open burn. This begs the question: why were residents who were evacuated on February 3 and 4, allowed to return home when EPA knew at that time that they were going to detonate five vinyl chloride tank cars on February 6?

According to EPA's website,<sup>52</sup> Tetra Tech reported particulate matter above screening levels for two air monitors several miles away from the derailment site on February 4, while reporting other contaminants measured below screening levels for all 11 monitors employed February 4 and 5.

However, the three roving air monitors on February 5 near the derailment site seem to be missing data. No measurement for benzene was collected at the roving air monitor closest to the derailment site at Sumner Street Bridge. Additionally, no measurements were collected for phosgene, hydrochloric acid and hydrogen cyanide for most of the 11 air monitors gathering data on February 4 and 5, according to EPA's website. Dioxin was not even listed as a measured substance. Most of the roving air monitors, 8 of 11, that captured data February 4 and 5 were placed two or more miles away from the derailment site.<sup>53</sup>

On February 7 and 8, more roving air monitors were deployed, some of which were within the one-mile radius or at ground zero of the derailment.<sup>54</sup> The data shows<sup>55</sup> elevated levels of particulate matter, but no measurement was collected for benzene in about half of the roving air monitors those critical days.

Prior to February 9, 2023, only two of the 3,000 plus homes in the community were screened for chemicals before a residential evacuation was lifted February 8, 2023, according to EPA documents obtained through FOIA.<sup>56</sup> Eventually, Norfolk Southern contractor Center for

<sup>50</sup> US Environmental Protection Agency, "Fixed Discrete Air Monitoring Summary Table\_PreControlledRelease.xlsx," accessed June 25, 2024, [https://epa.gov/system/files/documents/2023-02/Air%20Monitoring%20Summary%20Table\\_PostControlledBurn.pdf](https://epa.gov/system/files/documents/2023-02/Air%20Monitoring%20Summary%20Table_PostControlledBurn.pdf).

<sup>51</sup> US Environmental Protection Agency, "Air Monitoring Summary Table Post Controlled Burn," accessed June 25, 2024, [https://www.epa.gov/system/files/documents/2023-02/Air%20Monitoring%20Summary%20Table\\_PostControlledBurn\\_0.pdf](https://www.epa.gov/system/files/documents/2023-02/Air%20Monitoring%20Summary%20Table_PostControlledBurn_0.pdf).

<sup>52</sup> US Environmental Protection Agency, "Air Sampling Data," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/air-sampling-data>.

<sup>53</sup> US Environmental Protection Agency, "Air Sampling Data," East Palestine, Ohio Train Derailment, accessed June 25, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/air-sampling-data>.

<sup>54</sup> US Environmental Protection Agency, "Roving Air Monitoring Results Summary Table, February 8 – 9," accessed June 25, 2024, [http://www.epa.gov/system/files/documents/2023-02/Roving%20Air%20Monitoring%20Results%20Summary%20Table\\_20230209\\_0600Rev2%20%281%29\\_0.pdf](http://www.epa.gov/system/files/documents/2023-02/Roving%20Air%20Monitoring%20Results%20Summary%20Table_20230209_0600Rev2%20%281%29_0.pdf).

<sup>55</sup> US Environmental Protection Agency, "Roving Air Monitoring Summary Table Post Controlled Burn," accessed June 25, 2024, [https://whistleblower.org/wp-content/uploads/2024/06/Air-Monitoring-Summary-Table\\_PostControlledBurn.pdf](https://whistleblower.org/wp-content/uploads/2024/06/Air-Monitoring-Summary-Table_PostControlledBurn.pdf).

<sup>56</sup> US Environmental Protection Agency, "FOIA Document," obtained by Government Accountability Project, n.d.



Toxicology and Environmental Health<sup>57</sup> used photoionization detectors (PIDs) to screen 600 homes for volatile organic compounds (VOCs). However, the handheld devices were not sensitive enough<sup>58</sup> to detect relevant amounts of one chemical involved in the spill - butyl acrylate<sup>59</sup>, a colorless gas that can target the eyes, skin, and respiratory system. The EPA later admitted in a draft document<sup>60</sup> that the PIDs were not "sensitive enough" to measure butyl acrylate "at the public health air screening threshold for health and safety."

The machine that CTEH, an environmental consulting firm,<sup>61</sup> used in East Palestine captured VOCs if they were above 0.1 parts per million, but it does not report which specific compounds were present. VOCs can cause symptoms at levels below 0.1 parts per million, which CTEH's tests would not capture. CTEH has come under criticism during previous disasters for only finding low or no detections of chemicals.<sup>62</sup> In 2010, then-Reps. Lois Capps (D-CA) and Peter Welch (D-VT) wrote to BP CEO Tony Hayward, warning him not to use CTEH to monitor the Deepwater Horizon spill, writing "CTEH has a history of being hired by companies accused of harming public health and releasing findings defending the corporate interests that employ them."<sup>63</sup> Despite the massive chemical release in East Palestine, CTEH reported homes were free of dangerous levels of chemicals. The homes were never retested. Government Accountability Project whistleblower independent scientist Scott Smith found multiple dioxin congeners in residential soil and furnace filters in and around East Palestine.<sup>64 65 66</sup>

<sup>57</sup> David Dayen, "CTEH: The Contractor Doing Air Monitoring in East Palestine," The American Prospect, March 3, 2024, <http://prospect.org/environment/2023-03-03-cteh-contractor-air-monitoring-east-palestine/>.

<sup>58</sup> Reid Frazier, "Scientist Questions EPA's Handling of East Palestine Cleanup: They Should Have Tested Correctly," StateImpact Pennsylvania, January 29, 2024, <https://stateimpact.npr.org/pennsylvania/2024/01/29/scientist-questions-epas-handling-of-east-palestine-cleanup-they-should-have-tested-correctly/>.

<sup>59</sup> Centers for Disease Control and Prevention, "NIOSH Pocket Guide to Chemical Hazards: Butyl Acrylate," accessed June 25, 2024, <https://www.cdc.gov/niosh/npg/npgd0075.html>.

<sup>60</sup> US Environmental Protection Agency, "EPA Draft Document," accessed June 25, 2024, <http://subscriber.politicopro.com/eenews/f/eenews/?id=00000188-1150-d807-a1c9-d95bfc850000>.

<sup>61</sup> Sharon Lerner, "Inside the Secretive Consulting Firm That Helped Norfolk Southern Downplay the Toxic Aftermath of the Ohio Train Derailment," ProPublica, March 11, 2023, <http://www.propublica.org/article/east-palestine-ohio-norfolk-southern-cteh>.

<sup>62</sup> David Dayen, "CTEH: The Contractor Doing Air Monitoring in East Palestine," The American Prospect, March 3, 2024, <http://prospect.org/environment/2023-03-03-cteh-contractor-air-monitoring-east-palestine/>.

<sup>63</sup> "Letter to BP - CTEH Concerns," Internet Archive, archived September 9, 2020, accessed June 25, 2024, [https://web.archive.org/web/20200909182947/https://www.noozhawk.com/images/uploads/06\\_25\\_CAPPS\\_WELCH\\_letter\\_to\\_BP-CTEH\\_concerns.pdf](https://web.archive.org/web/20200909182947/https://www.noozhawk.com/images/uploads/06_25_CAPPS_WELCH_letter_to_BP-CTEH_concerns.pdf).

<sup>64</sup> Jennifer Rodriguez, "Independent Testing of Furnace Filters Shows Elevated Dioxin Levels in East Palestine," WKBN, July 5, 2023, <http://www.wkbn.com/news/local-news/east-palestine-train-derailment/independent-testing-of-furnace-filters-shows-elevated-dioxin-levels-in-east-palestine/>.

<sup>65</sup> Jennifer Borrasso, "Independent Testing Results: East Palestine Ohio Train Derailment," KDKA News, July 19, 2023, <http://www.cbsnews.com/pittsburgh/news/independent-testing-results-east-palestine-ohio-train-derailment/>.

<sup>66</sup> Scott Smith, "Summary of Dioxin Testing, East Palestine," Provided to Government Accountability Project June 25, 2024, <https://whistleblower.org/wp-content/uploads/2024/06/Scott-Smith-summary-of-dioxin-testing.pdf>.



**6. The response in East Palestine followed standard operating procedures, consistent with previous ASPECT responses.<sup>67</sup>**

First, as described above, the East Palestine ASPECT mission was inexplicably delayed, inconsistent with previous ASPECT responses. ASPECT, in every mission prior and on EPA's website can deploy within one hour and can be anywhere in the U.S. in 9 hours.<sup>68</sup> Normally, the aircraft should have been requested immediately after the February 3, 2023, derailment and it should have been ready in one hour and flown to East Palestine in five hours.

Second, the Standard Operating Procedures (SOPs) were not shared or clearly communicated during the East Palestine response. In fact, beginning in 2019, the EPA ASPECT program ceased sharing SOPs with the ASPECT data analysis contractor at Kalman & Company and its subcontractor, Spectral Systems Integration (SSI). Prior to 2019, the ASPECT aircraft had officially approved SOPs from the EPA, but these were invalidated because of hardware and operating system changes made by the government which made the prior SOPs inapplicable.

The failure to share SOPs with the data analysis team is a critical example of gross mismanagement; not having access to SOPs meant that Dr. Kroutil and his colleagues were hindered in their data analysis without knowing how the data was collected. Kalman & Company raised the issue of the lack of SOPs to EPA program management numerous times after 2019 to no avail. The EPA did not provide a reason as to why its data analysis contractors could not have access to the SOPs that directed the collection of data; they were told the formerly open-source SOPs were now "proprietary."<sup>69</sup> The new SOPs were reportedly developed by the aircraft contractor, Airborne ASPECT; however, this contractor has no personnel qualified with expertise in the ASPECT hardware or software or with remote chemical detection system algorithms. It is therefore unclear how the SOPs can accurately reflect best practices for data analysis and underscores the absurdity of the EPA's failure to even share the SOPs with ASPECT data analysts.

This EPA management failure means Dr. Kroutil and his colleagues still do not know what SOPs were used during the East Palestine mission.

Furthermore, reportedly, EPA ASPECT Program Manager Paige Delgado told Kalman & Company and Spectral Systems Integration scientists the week of June 10, 2024, that they must sign a non-disclosure agreement (NDA) to view Airborne ASPECT's proprietary standard operating procedures. Reports also indicate that Kalman & Company attorneys refused to allow their employees to sign the questionable NDA.

<sup>67</sup> US EPA, REG 05, "What Is EPA's Response to Inaccurate Claims about Its Use of ASPECT?" US Environmental Protection Agency, June 10, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/what-epas-response-inaccurate-claims-about-its-use-aspect>.

<sup>68</sup> US EPA, REG 06, "ASPECT," US Environmental Protection Agency, April 13, 2023, <https://www.epa.gov/la/aspect#:~:text=EPA%E2%80%99s%20Airborne%20Spectral%20Photometric%20Environmental%20Collection%20Technology%20%28ASPECT%29>.

<sup>69</sup> Robert Kroutil, "Affidavit of Robert Kroutil for Government Accountability Project," May 14, 2024, <http://whistleblower.org/wp-content/uploads/2024/05/Kroutil-EPA-OIG-cover-letter-1-combined.pdf>.



**7. EPA: "Since the evacuation was lifted, no sustained chemicals of concern have been found in the air. EPA's air sampling data is available to the public on EPA's web page."<sup>70</sup>**

The EPA has relied heavily on Norfolk Southern contractors, some of whom have been fiercely criticized for their methods,<sup>71</sup> to deem the environment safe in East Palestine. The EPA only required Norfolk Southern to conduct dioxin soil and sediment sampling in East Palestine in March after mounting public pressure.<sup>72</sup> However, in a report buried on the EPA website, Norfolk Southern had already quietly conducted its own waste sampling analysis at the train derailment site in February 2023 that showed dioxin levels 19 times higher than their own actionable levels.<sup>73</sup>

The subsequent soil sampling analysis and protocols utilized by Norfolk Southern contractor Arcadis were sharply criticized by toxicologist Dr. Stephen Lester as "not worth the paper it is written on."<sup>74</sup>

Since the derailment, scientist Scott Smith has repeatedly found high levels of dioxins and Semi Volatile Organic Compounds (SVOCS) in and around East Palestine and in residents' homes, which EPA refuses to test. Smith and Three Rivers Waterkeepers have discovered increasing creek contamination throughout Sulphur and Leslie Runs.<sup>75</sup> Smith also has found high levels of dioxin in East Palestine garden produce and soil, but EPA refuses to acknowledge Smith's data or do its own dioxin sampling on residential gardens.<sup>76</sup> Even worse, EPA inconceivably gave residents the green light to garden and eat their produce as usual. Government Accountability Project on June 13 filed an Administrative Procedures Act Petition to the EPA demanding EPA warn residents to avoid gardening, eating their crops or wild caught game until EPA performs more testing to prove the gardens and animals have not been impacted by dioxin.<sup>77</sup>

<sup>70</sup> US EPA, REG 05, "What Is EPA's Response to Inaccurate Claims about Its Use of ASPECT?" US Environmental Protection Agency, June 10, 2024, <https://www.epa.gov/east-palestine-oh-train-derailment/what-epas-response-inaccurate-claims-about-its-use-aspect>.

<sup>71</sup> David Michels, "East Palestine Train Toxic Cleanup Conflicts of Interest," Time, March 14, 2023, <http://time.com/6262343/east-palestine-train-toxic-cleanup-conflicts-of-interest/>.

<sup>72</sup> Reid Frazier, "After Community Pressure, EPA Orders Norfolk Southern to Test for Dioxins," The Allegheny Front, March 2, 2023, <http://www.ideastream.org/health/2023-03-02/after-community-pressure-epa-orders-norfolk-southern-to-test-for-dioxins>.

<sup>73</sup> "Over 1,500 Pages of East Palestine Dioxin-Related Testing Found Buried on EPA Website," Government Accountability Project, February 1, 2024, <https://whistleblower.org/blog/over-1500-pages-of-east-palestine-dioxin-related-testing-found-buried-on-epa-website/>.

<sup>74</sup> Stephen Lester, "East Palestine, Ohio - Stephen Lester, UC San Diego, Rick Tsai," Together in Unity Event, video, February 5, 2024, <http://www.youtube.com/watch?v=WDQx6xWf2Jo>.

<sup>75</sup> Rich McHugh, "East Palestine Creeks Visibly Contaminated," NewsNation, February 2, 2024, <http://www.newsnationnow.com/us-news/midwest/ohio-train-derailment/east-palestine-creeks-visibly-contaminated/>.

<sup>76</sup> Josh Funk, "East Palestine residents afraid to garden after derailment, despite EPA soil tests," Associated Press, June 13, 2024, <https://apnews.com/article/east-palestine-derailment-epa-gardening-norfolk-southern-ce99e551fd5da0f2cafa9f191bdc992b>.

<sup>77</sup> Government Accountability Project, "Government Watchdog Groups Petition EPA to Warn East Palestine Residents on Dangers of Consuming Garden Produce and Wild Game," accessed June 25, 2024,

To this day, EPA has maintained that the air, water, soil in East Palestine is safe. However, residents and visitors to East Palestine continue to suffer horrific ongoing health impacts including seizures, cancers, rashes, headaches, nosebleeds, muscle pain and other symptoms.

## **Conclusion**

The talking points of the EPA in response to Dr. Kroutil's whistleblower disclosure regarding the gross mismanagement of the ASPECT plane deployment and creation of substantial and specific threat to public health and safety in East Palestine cannot survive scrutiny, as evidenced by the investigative results of Government Accountability Project.

Dr. Kroutil is a highly credentialed whistleblower in a unique position to witness the operational irregularities he reported in protected disclosure to the EPA OIG. The EPA's response was not only misleading, but it also was an attempt to discredit Dr. Kroutil.

This rebuttal presents evidence challenging the EPA's claims that ASPECT's mission over East Palestine was delayed due to low ceiling and icing conditions. There were no weather or aviation advisories on February 6, 2023, the day of the vent and burn of train car chemicals including vinyl chloride. Furthermore, expert pilots on the Cessna 208B report that the airplane can fly in light to moderate icing conditions. Dr. Kroutil, who oversaw 180 ASPECT missions, also noted that ASPECT flew many times in rough weather and icing conditions.

Additionally, EPA's claim that it followed Standard Operating Procedures (SOPs) could not be further from the truth. The East Palestine mission is a break from protocol for all of ASPECT's previous 180 missions in which the aircraft arrived within hours of a disaster and collected hundreds of minutes of data. The ASPECT arrived five days late and gathered only 8 minutes of data during two flights on February 7, deliberately missing target and shutting off sensors over contaminated creeks. Also, Dr. Kroutil contends that neither he nor his colleagues have been provided with the SOPs for the East Palestine mission. The formerly open-source procedures have now been deemed proprietary.

Evidence presented also challenges the EPA narrative that the ASPECT aircraft was not needed due to "robust" air monitoring on the ground. Ground monitoring was late, scant, and not correlated to the disaster site or plume range.

This rebuttal highlights significant delays in deploying the ASPECT aircraft, questionable data collection practices, and potential alterations to official reports. Evidence also raises concerns about the EPA's reliance on contractors with controversial histories and the questionable adequacy of testing methods. Overall, the information presented suggests that the EPA's assurances of safety in East Palestine are disingenuous – an obvious attempt to defend its narrative and discredit Dr. Kroutil. As such, we urge the EPA OIG to thoroughly investigate the information presented, and the EPA must remove its inaccurate and misleading rebuttal to Dr. Kroutil's disclosures from its website.

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<https://whistleblower.org/press-release/government-watchdog-groups-petition-epa-to-warn-east-palestine-residents-on-dangers-of-consuming-garden-produce-and-wild-game/>.



Respectfully Submitted,

/s/ Lesley Pacey

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