SHERROD BROWN
OHIO

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
FINANCE
VETERANS' AFFAIRS

United States Senate
WASHINGTON, DC 20510 - 3505

August 7, 2023

President Joseph Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Administrator Deanne Criswell
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20024

Dear President Biden and Administrator Criswell:

It has been six months since the derailment of a Norfolk Southern train devastated the East Palestine, Ohio community. While I appreciate all that the federal government, including the Federal Emergency Management Agency (FEMA), has done to support recovery efforts in East Palestine, more assistance is necessary to ensure the community and its residents have the support necessary to address the ongoing challenges caused by the derailment. In line with previous assistance, I urge you to approve Governor DeWine's Major Disaster Declaration request per the Stafford Act (42 USC 5170) to unlock additional resources from the federal government that can help address the ongoing needs in East Palestine.

The train derailment was a catastrophic disaster that has had a large environmental impact on the community, imposing a massive toll on the physical, emotional, and financial health of the entire region, which continues to impact residents six months after the accident. The derailed cars spilled toxic chemicals including vinyl chloride, butyl acrylate, 2-ethylhexyl acrylate, and ethylene glycol monobutyl ether. The runoff from the toxic spill and fire remnants has contaminated soil and flowed into downstream waterbodies. Dozens of families are still displaced from their homes, and the long-term effects on residents of the hazardous chemical release are still not known. A disaster of this scale, scope, and significance necessitates a response and deployment of resources that are commensurate in scale and scope. These residents need federal resources to help them get back on their feet, and any delay of these resources will have a direct, negative impact on the recovery efforts.

Since the derailment, I – and the other members of the Ohio congressional delegation – have made it a top priority to support the people of East Palestine, advance the cleanup effort, and address the railway companies' profit-focused lax safety. In the immediate aftermath of this tragic derailment, I urged state and federal officials to act promptly so that FEMA could provide all possible assistance to the community, and I urged FEMA to visit East Palestine and witness

firsthand the devastation that had occurred. I appreciated that you sent Regional Administrator Sivak and an Incident Management Assistance Team to Ohio. Despite ongoing efforts from FEMA, the Department of Health and Human Services (HHS) and its Centers for Disease Control and Prevention (CDC), the Environmental Protection Agency (EPA), and other federal agencies, residents of East Palestine and the surrounding area are still living with the consequences of the derailment daily.

In a meeting I had just two weeks ago with residents from East Palestine, representatives from the community shared some of the challenges they continue to face as a result of this devastating derailment – some are still forced to live away from home, others are concerned about the quality of the air in their homes or the impact of basement groundwater exposure, and many are facing a range of health symptoms and are understandably concerned about their health both now and in the future. Nobody trusts Norfolk Southern to do what's right by the community and compensate residents for the significant costs – including health care costs – that have resulted from the company's negligence. Understandably, this community feels left behind – by both the company and their government.

Additional FEMA assistance – through programs and resources such as the Individuals and Households Program, the Crisis Counseling Program, the Disaster Unemployment Assistance program, Disaster Legal Services, and Small Business Administration Disaster Assistance – is critical to helping the residents return to living their lives. While Norfolk Southern must ultimately be held responsible for paying for the entirety of the recovery efforts, Ohioans should not be forced to wait around on this company that has proven it can't be trusted. East Palestine needs federal resources now, while the government figures out the best way to recover these funds from Norfolk Southern.

On July 3, 2023, Governor DeWine sent a letter requesting a Major Disaster Declaration per the Stafford Act (42 USC 5170) to aid on East Palestine's recovery. I was heartened to see the Governor make this request; however, the Governor has yet to receive formal response from FEMA. Residents of East Palestine shouldn't have to wait any longer for additional assistance. If additional information is required, I ask that you clearly outline what steps Governor DeWine, the Ohio Emergency Management Agency, and the Ohio Environmental Protection Agency must take to facilitate approval of the Governor's July request and unlock additional resources from the federal government. Further delay is unacceptable.

In addition to working with the state of Ohio to ensure this request for additional federal aid is approved in a timely manner, I also ask that the Administration provide a detailed list of all the actions taken and funding provided by the federal government in response to the Norfolk Southern derailment. The people of East Palestine deserve to know what their federal government is doing to fight for them and hold Norfolk Southern accountable. I would further ask that you detail what additional steps the federal government can take to assist those still suffering from the derailment – with or without a disaster declaration.

The people of this community had their lives overturned by 53 train cars and the negligence of a corporation that cut safety to enrich its bottom line. These Ohioans and their neighbors in Pennsylvania have experienced trauma that no American should ever have to experience. It's our responsibility to do everything possible to help them recover. I will continue to do all in my power to support the families and small businesses of East Palestine.

Now it is your time to step up and provide the support that only FEMA can. If additional information is needed from the State of Ohio to approve the Governor's request, I ask that you identify any deficiencies and work with the state of Ohio to ensure community gets all the aid that it is eligible for in a timely manner. We need to show the people of East Palestine that their government continues to do everything in its power to help them recover.

Sincerely,



Sherrod Brown
United States Senator

CC: U.S. Environmental Protection Administrator Regan