

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074  
MINORITY (202) 225–5051  
<https://oversight.house.gov>

March 1, 2023

The Honorable James Comer  
Chairman  
Committee on Oversight and Accountability  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Comer:

We write regarding your February 24, 2023, letter purporting to launch an investigation into the February 3, 2023, derailment of a Norfolk Southern freight train transporting hazardous chemicals and combustible materials near East Palestine, Ohio and the ensuing accident response.<sup>1</sup> We are concerned that, despite your recognition that the “American people deserve answers as to what caused the derailment,” your letter failed to acknowledge or seek answers from Norfolk Southern—the owner and operator of the derailed train—which has aggressively lobbied against rail safety regulations despite reporting the second-highest accident rates among all rail carriers since 2019.<sup>2</sup> As Ohio Governor Mike DeWine recently proclaimed: “They’re the ones who created the problem”—and we agree.<sup>3</sup> It is time to put partisan politics aside and ensure a full accounting of all the facts—no matter how inconvenient. We therefore urge you, as Chair, to demand answers from Norfolk Southern about its role in and response to the February 3 train derailment.

As you are aware, the National Transportation Safety Board’s (NTSB) February 23, 2023, preliminary investigative report indicated that “a wheel bearing in the final stage of overheat failure moments before the derailment” may have caused the accident.<sup>4</sup> According to

---

<sup>1</sup> Letter from Chairman Comer, Committee on Oversight and Accountability, to Secretary Pete Buttigieg, Department of Transportation (Feb. 24, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-24-Letter-DOT-Norfolk-Southern-Derailment.pdf>).

<sup>2</sup> *In the Aftermath of the Ohio Train Derailment, What is Norfolk Southern’s Safety Record*, Yahoo Money (Feb. 21, 2023) (online at <https://money.yahoo.com/aftermath-ohio-train-derailment-norfolk-105615833.html>); *Before Ohio Derailment Norfolk Southern Lobbied Against Safety Rules*, Washington Post (Feb. 18, 2023) (online at [www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/](http://www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/)).

<sup>3</sup> *Gov. Mike DeWine Fully Expects Norfolk Southern to Pay Derailment Costs*, The Intelligencer (Feb. 7, 2023) (online at [www.theintelligencer.net/news/top-headlines/2023/02/gov-mike-dewine-fully-expects-norfolk-southern-to-pay-derailment-costs/](http://www.theintelligencer.net/news/top-headlines/2023/02/gov-mike-dewine-fully-expects-norfolk-southern-to-pay-derailment-costs/)).

<sup>4</sup> National Transportation Safety Board, *Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires* (Feb. 3, 2023) (online at [www.ntsb.gov/investigations/Documents/RRD23MR005%20East%20Palestine%20OH%20Prelim.pdf](http://www.ntsb.gov/investigations/Documents/RRD23MR005%20East%20Palestine%20OH%20Prelim.pdf)).

public reports, as the wheel bearing overheated, the freight train passed through three temperature sensors that were designed to alert crew members of mechanical issues. However, only one sensor, which was reportedly located less than a mile from the accident site, registered a temperature high enough to trigger an alarm for crew members.<sup>5</sup> This may have been the result of a Norfolk Southern policy that allows train crews to disregard alerts from train track sensors otherwise designed to identify potential mechanical failures.<sup>6</sup> Norfolk Southern has also reportedly drastically reduced the number of specialized workers responsible for maintaining these sensors.<sup>7</sup> As the Chairwoman of NTSB confirmed, the preliminary investigative results show that the accident “was 100 percent preventable.”<sup>8</sup>

This is not the first time Norfolk Southern has disregarded the mechanical failures of its trains, resulting in preventable accidents that have released hazardous chemicals into communities across the country. For instance, according to reports, in October 2022, a Norfolk Southern train traveling through Ohio experienced an overheated wheel bearing. Rather than allow sufficient time for repair, the train was authorized to continue its route and derailed four miles later in Sandusky, Ohio, dumping thousands of gallons of molten paraffin wax into the city.<sup>9</sup> Weeks after the October derailment, a Norfolk Southern train derailed in Illinois, releasing tens of thousands of gallons of flammable chemicals and causing millions of dollars in damage. In May 2022, a Norfolk Southern train derailed in Western Pennsylvania, sending several people to the hospital, releasing combustible distillates into the environment, and causing nearly \$8 million in damages.<sup>10</sup> Days after you sent your letter to Transportation Secretary Buttigieg, yet another Norfolk Southern train derailed just outside of Greensboro, North Carolina.<sup>11</sup> These incidents reflect a pattern of train safety issues at Norfolk Southern, which according to a recent company presentation, has reported increased accident rates each year since 2019.<sup>12</sup>

---

<sup>5</sup> *NTSB Report Finds Norfolk Southern Crew Had Little Warning Before East Palestine Train Derailment*, Pittsburgh Post-Gazette (Feb. 23, 2023) (online at [www.post-gazette.com/news/transportation/2023/02/23/norfolk-southern-ntsb-report-east-palestine-trail-derailment/stories/202302230105](http://www.post-gazette.com/news/transportation/2023/02/23/norfolk-southern-ntsb-report-east-palestine-trail-derailment/stories/202302230105)).

<sup>6</sup> *A Norfolk Southern Policy Lets Officials Order Crews to Ignore Safety Alerts*, ProPublica (Feb. 22, 2023) (online at [www.propublica.org/article/norfolk-southern-policy-safety-alerts-east-palestine-derailment](http://www.propublica.org/article/norfolk-southern-policy-safety-alerts-east-palestine-derailment)).

<sup>7</sup> *Before Ohio Derailment, Norfolk Southern Lobbied Against Safety Rules*, Washington Post (Feb. 18, 2023) (online at [www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/](http://www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/)).

<sup>8</sup> *Crew Alerted to Problem Just Before Ohio Derailment, Investigators Say*, New York Times (Feb. 23, 2023) (online at [www.nytimes.com/2023/02/23/us/politics/ohio-train-east-palestine-ntsb-buttigieg.html](http://www.nytimes.com/2023/02/23/us/politics/ohio-train-east-palestine-ntsb-buttigieg.html)).

<sup>9</sup> *A Norfolk Southern Policy Lets Officials Order Crews to Ignore Safety Alerts*, ProPublica (Feb. 22, 2023) (online at [www.propublica.org/article/norfolk-southern-policy-safety-alerts-east-palestine-derailment](http://www.propublica.org/article/norfolk-southern-policy-safety-alerts-east-palestine-derailment)).

<sup>10</sup> *East Palestine Train Derailment is the Latest in A Disturbing Trend of Hazmat Incidents Along America's Railways*, GRID (Feb. 15, 2023) (online at [www.grid.news/story/politics/2023/02/15/east-palestine-train-derailment-is-the-latest-in-a-disturbing-trend-of-hazmat-incidents-along-americas-railways/](http://www.grid.news/story/politics/2023/02/15/east-palestine-train-derailment-is-the-latest-in-a-disturbing-trend-of-hazmat-incidents-along-americas-railways/)).

<sup>11</sup> *Norfolk Southern Train Derails Near Greensboro*, WITN (Feb. 25, 2023) (online at [www.witn.com/2023/02/25/norfolk-southern-train-derails-near-greensboro/](http://www.witn.com/2023/02/25/norfolk-southern-train-derails-near-greensboro/)).

<sup>12</sup> *Norfolk Southern, Q4 2022 Earnings Call* (Jan. 25, 2023) (online at [www.nscorp.com/content/dam/QuarterlyEventFiles/4q-2022/4q2022\\_all\\_presentation.pdf](http://www.nscorp.com/content/dam/QuarterlyEventFiles/4q-2022/4q2022_all_presentation.pdf)).

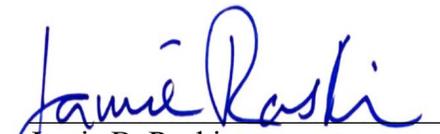
In addition to its train safety issues, Norfolk Southern has a history of lobbying against commonsense railroad safety measures. In 2017, for example, Norfolk Southern successfully lobbied the Trump Administration to repeal federal railroad guidance and rules, including certain Obama-era regulations.<sup>13</sup> Although the Biden-Harris Administration has taken strides to address these rollbacks, Norfolk Southern continues to lobby against safety regulations. As recently as November, the company’s CEO met with Secretary Buttigieg to lobby against a proposed rule that would require freight trains to have at least two crew members on board—a measure designed to enhance rail workers’ responses to train derailments and other emergencies.<sup>14</sup>

Despite your pledge last December to use the powers of this Committee to “conduct credible oversight, identify problems, and propose reforms,” your February 23, 2023, letter to Secretary Buttigieg failed to ask a single legitimate question aimed at obtaining “answers as to what caused the derailment.”<sup>15</sup> If Committee Republicans are serious about uncovering the truth, it must do so by conducting thorough, fact-based oversight, which includes seeking answers from Norfolk Southern about its potentially harmful policies and ongoing efforts to influence federal railroad safety measures. These answers can only come from the company itself.

Based on the forgoing, by Thursday, March 2, 2023, we request that you commit to sending a letter to Norfolk Southern seeking documents and information that will allow the Committee to determine Norfolk Southern’s role in and response to the February 3, 2023, train derailment.

Thank you for your attention to this urgent matter.

Sincerely,



Jamie B. Raskin  
Ranking Member



Cori Bush  
Ranking Member  
Subcommittee on Economic Growth,  
Energy, and Regulatory Affairs

---

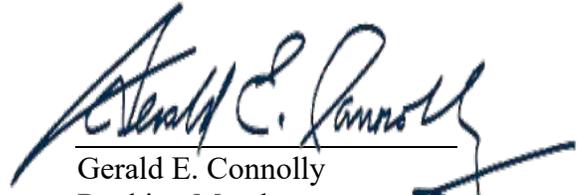
<sup>13</sup> *Before Ohio Derailment, Norfolk Southern Lobbied Against Safety Rules*, Washington Post (Feb. 18, 2023) (online at [www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/](http://www.washingtonpost.com/transportation/2023/02/18/norfolk-southern-derailment-ohio-train-safety/)).

<sup>14</sup> *Id.*

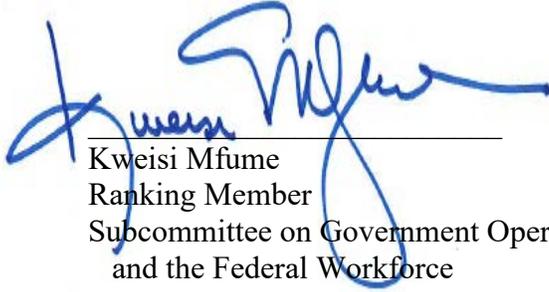
<sup>15</sup> Rep. James Comer, *Get Ready for Republican Oversight*, Wall Street Journal (Dec. 11, 2022) (online at [www.wsj.com/articles/get-ready-for-republican-oversight-government-transparency-democrats-gop-border-fentanyl-energy-inflation-majority-covid-11670789661](https://www.wsj.com/articles/get-ready-for-republican-oversight-government-transparency-democrats-gop-border-fentanyl-energy-inflation-majority-covid-11670789661)); Letter from Chairman Comer, Committee on Oversight and Accountability, to Secretary Pete Buttigieg, Department of Transportation (Feb. 24, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-24-Letter-DOT-Norfolk-Southern-Derailment.pdf>).



Katie Porter  
Ranking Member  
Subcommittee on Health Care and  
Financial Services



Gerald E. Connolly  
Ranking Member  
Subcommittee on Cybersecurity,  
Information Technology, and  
Government Innovation



Kweisi Mfume  
Ranking Member  
Subcommittee on Government Operations  
and the Federal Workforce



Robert Garcia  
Ranking Member  
Subcommittee on National Security,  
the Border, and Foreign Affairs