

# 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  
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<https://oversight.house.gov>

March 5, 2023

Alan H. Shaw  
President and Chief Executive Officer  
Norfolk Southern Corporation  
650 W Peachtree Street, NE  
Atlanta, GA 30308

Dear Mr. Shaw:

We write regarding Norfolk Southern Corporation's (Norfolk Southern) role in and response to the February 3, 2023, train derailment in East Palestine, Ohio, which resulted in the spill of more than 1.8 million gallons of liquid waste and the release of more than 100,000 gallons of combustible and hazardous chemicals into the environment, endangering the health, safety, and well-being of thousands of local residents, including children.<sup>1</sup>

Days after the derailment, more than 2,000 East Palestine residents were evacuated from their homes following the controlled release of dangerous chemicals—including vinyl chloride, a chemical that has been linked to a rare form of liver cancer—that had been transported by the derailed train shortly before the accident.<sup>2</sup> Since returning to their homes, residents of East Palestine have reported an array of lingering symptoms, including nausea, rashes, and even bronchitis, raising serious concerns about the extent to which the health and safety of those living in the surrounding communities remain at risk.<sup>3</sup>

According to reports, more than 100,000 gallons of dangerous chemicals were released into the air and seeped into nearby bodies of water, posing an enduring threat to the aquatic life

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<sup>1</sup> *Waste Shipments Resume from Ohio Toxic Train Derailment*, Associated Press (Feb. 27, 2023)(online at <https://apnews.com/article/climate-and-environment-us-environmental-protection-agency-ohio-b37652f557c95d14910478b64943ed25>); *People Living Near the Ohio Train Derailment Will Have to Watch Their Health for Years*, Vox (Feb. 25, 2023) (online at [www.vox.com/science/23612128/ohio-train-derailment-east-palestine-chemical-spill-cleanup-norfolk-southern](http://www.vox.com/science/23612128/ohio-train-derailment-east-palestine-chemical-spill-cleanup-norfolk-southern)).

<sup>2</sup> *What We Know About Ohio's Train's Derailment and Chemical Cargo*, Mother Jones (Feb. 15, 2023) (online at [www.motherjones.com/environment/2023/02/east-palestine-ohio-train-derailment-chemicals-explainer/](http://www.motherjones.com/environment/2023/02/east-palestine-ohio-train-derailment-chemicals-explainer/)); *The EPA Steps in to Take Over the East Palestine Train Derailment Cleanup*, National Public Radio (Feb. 21, 2023) (online at [www.npr.org/2023/02/21/1158532207/epa-east-palestine-train-derailment](http://www.npr.org/2023/02/21/1158532207/epa-east-palestine-train-derailment)).

<sup>3</sup> *CDC Arrives in Ohio Town to Investigate Health Risks from Toxic Train Derailment*, NBC News (Feb. 25, 2023) (online at [www.nbcnews.com/health/health-news/ohio-derailment-cdc-begins-investigation-toxic-train-disaster-rcna71948](http://www.nbcnews.com/health/health-news/ohio-derailment-cdc-begins-investigation-toxic-train-disaster-rcna71948)); *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));

in East Palestine and the surrounding area.<sup>4</sup> The result was the gruesome recovery of tens of thousands of dead fish and wildlife across different species.<sup>5</sup> Although remediation efforts are ongoing, more than 4,500 cubic yards of soil and 1.1 million gallons of contaminated water have reportedly been removed, suggesting that the environmental damage may be far worse than originally known.<sup>6</sup>

On February 23, 2023, the National Transportation Safety Board (NTSB) issued a preliminary investigative report suggesting that “a wheel bearing in the final stage of overheat failure moments before the derailment” may have caused the accident.<sup>7</sup> According to 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>8</sup> This may have been the result of a company policy on wayside detectors that allows train crews to disregard alerts otherwise designed to identify crew members of potential mechanical failures.<sup>9</sup> Norfolk Southern has also reportedly drastically reduced the number of specialized workers responsible for maintaining these sensors.<sup>10</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. 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

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<sup>4</sup> *People Living Near the Ohio Train Derailment Will Have to Watch Their Health for Years*, Vox (Feb. 25, 2023) (online at [www.vox.com/science/23612128/ohio-train-derailment-east-palestine-chemical-spill-cleanup-norfolk-southern](http://www.vox.com/science/23612128/ohio-train-derailment-east-palestine-chemical-spill-cleanup-norfolk-southern)).

<sup>5</sup> *Id.*; *Thousands of Dead Fish and Contamination in Waterways: How the Ohio Train Derailment Is Affecting the Environment* (Feb. 15, 2023) (online at [www.cbsnews.com/news/east-palestine-ohio-train-derailment-dead-fish-vinyl-chloride-hazardous-materials-affecting-pets-wildlife/](http://www.cbsnews.com/news/east-palestine-ohio-train-derailment-dead-fish-vinyl-chloride-hazardous-materials-affecting-pets-wildlife/)).

<sup>6</sup> *The EPA Steps in to Take Over the East Palestine Train Derailment Cleanup*, National Public Radio (Feb. 21, 2023) (online at [www.npr.org/2023/02/21/1158532207/epa-east-palestine-train-derailment#:~:text=On%20Feb.%203%2C%20about%20three,report%20is%20expected%20next%20week](http://www.npr.org/2023/02/21/1158532207/epa-east-palestine-train-derailment#:~:text=On%20Feb.%203%2C%20about%20three,report%20is%20expected%20next%20week)).

<sup>7</sup> National Transportation Safety Board, *Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires* (Feb. 3, 2023) (online at [www.nts.gov/investigations/Documents/RRD23MR005%20East%20Palestine%20OH%20Prelim.pdf](http://www.nts.gov/investigations/Documents/RRD23MR005%20East%20Palestine%20OH%20Prelim.pdf)).

<sup>8</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>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> *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/)).

later in Sandusky, Ohio, dumping thousands of gallons of molten paraffin wax into the city.<sup>11</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>12</sup> In 2018, a Norfolk Southern train derailed in Loudonville, Ohio, spilling more than 30,000 gallons of liquified petroleum gas and 200 pounds of environmentally hazardous substances” into the surrounding community.<sup>13</sup> These incidents reflect a pattern of train safety issues at your company, which, according to a recent company presentation, has reported increased accident rates each year since 2019.<sup>14</sup>

Following the February 3 train derailment, Norfolk Southern announced it would “develop practices and invest in technologies that could help prevent an accident like this in the future.”<sup>15</sup> However, this stated commitment cannot be squared with the company’s history of aggressively lobbying against sensible 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>16</sup> Although the Biden-Harris Administration has taken strides to address these rollbacks, you continue to lobby against safety regulations on behalf of Norfolk Southern. As recently as last November, you 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>17</sup>

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<sup>11</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/)); *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>12</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>13</sup> *What Norfolk Southern’s Accident Reports Say About the Company and Industry*, Pennsylvania Capital Star (Feb. 27, 2023) (online at [www.penncapital-star.com/energy-environment/what-norfolk-southern-accident-reports-say-about-the-company-and-industry/](http://www.penncapital-star.com/energy-environment/what-norfolk-southern-accident-reports-say-about-the-company-and-industry/)).

<sup>14</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)). According to a Federal Railroad Administration 10-year safety summary, Norfolk Southern has had 163.6 derailments and 2.9 hazardous material releases per year on average. *What Norfolk Southern’s Accident Reports Say About the Company and Industry*, Pennsylvania Capital-Star (Feb. 27, 2023) (online at [www.penncapital-star.com/energy-environment/what-norfolk-southern-accident-reports-say-about-the-company-and-industry/](http://www.penncapital-star.com/energy-environment/what-norfolk-southern-accident-reports-say-about-the-company-and-industry/)).

<sup>15</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>16</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>17</sup> *Id.*

Rather than invest in commonsense safety measures, you have prioritized rewarding company shareholders. Since approximately 2018, Norfolk Southern has paid its shareholders nearly \$18 billion through stock buybacks and dividends, while simultaneously scaling back its workforce and running longer, heavier trains in an apparent effort to reduce costs.<sup>18</sup> These cost-cutting measures coincide with Norfolk Southern's announced transition to precision scheduled railroading (PSR)—an operations policy that has been described as a 'corporate money grab' and that has allowed your company to disregard safety concerns while maximizing profits.<sup>19</sup>

Norfolk Southern recently committed "to learn as much as we can from this event," but that is simply not enough.<sup>20</sup> You must stop prioritizing profits over people and securities over safety. You must call on the federal government to strengthen transportation safety rules and regulations. You must lead by example and ensure that those you harmed in East Palestine are made whole.

To assist us with understanding Norfolk Southern's role in and response to the February 3, 2023, train derailment, we request that you produce the following documents by March 20, 2023:

1. All documents and communications relating to Norfolk Southern's transition to precision scheduled railroading (PSR), including but not limited to the projected and actual impact on the company's operations, from January 1, 2017, to the present;
2. All documents and communications relating to reductions to the workforce, by job title and year, from January 1, 2017, to the present;
3. All documents, including policies, procedures, rules, and guidelines, relating to temperature thresholds set by Norfolk Southern for wheel bearing detectors;
4. All documents, including policies, procedures, rules, and guidelines, relating to the tracking and monitoring of wayside detectors and track-side sensors, and the frequency of detector inspections;
5. All communications between and among Norfolk Southern corporate officers with state or federal agency officials involved in the response to the February 3, 2023, train derailment;

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<sup>18</sup> *Norfolk Southern's Profits and Accident Rates Rose in Recent Years*, New York Times (Feb. 17, 2023) (online at [www.nytimes.com/2023/02/17/business/energy-environment/norfolk-southern-derailment-safety.html](https://www.nytimes.com/2023/02/17/business/energy-environment/norfolk-southern-derailment-safety.html)).

<sup>19</sup> *Norfolk Southern is Giving \$25,000 to an Ohio Town Where it Caused a Life-or-Death Evacuation*, Yahoo Finance (Feb. 9, 2023) (online at <https://finance.yahoo.com/news/norfolk-southern-giving-25-000-200000640.html>); *Norfolk Southern Lays Out Dramatic Transition to PSR*, Supply Chain Dive (Feb. 12, 2019) (online at [www.supplychaindive.com/news/norfolk-southern-psr-transition/548231/](https://www.supplychaindive.com/news/norfolk-southern-psr-transition/548231/)).

<sup>20</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](https://www.nytimes.com/2023/02/23/us/politics/ohio-train-east-palestine-ntsb-buttigieg.html)).

6. All documents, reports, presentations, and public comments related to Norfolk Southern's position on or response to proposed or existing federal safety regulations or measures for the freight industry from January 1, 2015, to the present, and the total amount of money spent to influence such measures each year; and
7. All documents and communications, including communications with shareholders, relating to increased profits or reduced costs associated with the implementation of PSR or other cost-cutting measures by Norfolk Southern between January 1, 2017, and the present.

In addition, please provide written responses to the following requests for information by March 20, 2023:

1. Describe all assistance, including financial compensation, provided or committed by Norfolk Southern to individuals and communities affected by the February 3, 2023, train derailment.
2. What conditions, if any, has Norfolk Southern placed on the receipt of the assistance identified in response to Request No. 1?
3. Describe all commitments made or corrective actions taken by Norfolk Southern to reduce the occurrence of train accidents, including but not limited to changes to staffing; train, railway, and equipment maintenance and inspection; safety alert parameters and procedures; identification of trains carrying hazardous materials; and train car strength and safety.

The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

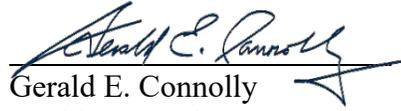
Sincerely,

  
Jamie Raskin  
Ranking Member

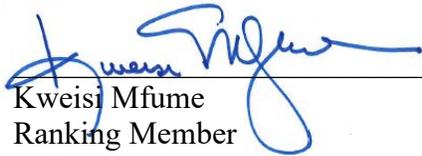
  
Cori Bush  
Ranking Member  
Subcommittee on Economic Growth,  
Energy, and Regulatory Affairs



Katie Porter  
Ranking Member  
Subcommittee on Health Care and  
Financial Services



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



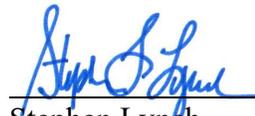
Kweisi Mfume  
Ranking Member  
Subcommittee on Government Operations  
and the Federal Workforce



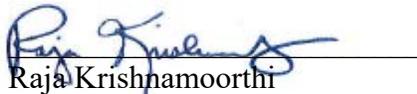
Robert Garcia  
Ranking Member  
Subcommittee on National Security,  
the Border, and Foreign Affairs



Eleanor Holmes Norton  
Member of Congress



Stephen Lynch  
Member of Congress



Raja Krishnamoorthi  
Member of Congress



Ro Khanna  
Member of Congress



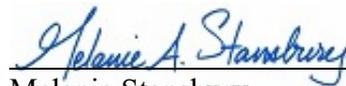
Alexandria Ocasio-Cortez  
Member of Congress



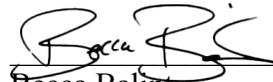
Shontel Brown  
Member of Congress



Jimmy Gomez  
Member of Congress

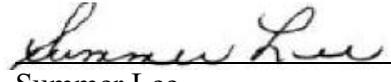


Melanie Stansbury  
Member of Congress



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Becca Balint  
Member of Congress



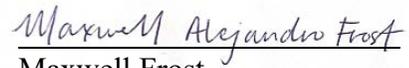
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Summer Lee  
Member of Congress



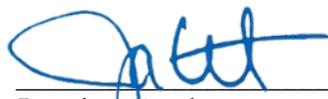
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Greg Casar  
Member of Congress



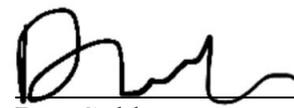
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Maxwell Frost  
Member of Congress



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Jasmine Crockett  
Member of Congress



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Dan Goldman  
Member of Congress



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Jared Moskowitz  
Member of Congress

Enclosure

cc: The Honorable James Comer, Chairman