

United States Senate

WASHINGTON, DC 20510

February 27, 2023

Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dr. Rochelle Walensky
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Administrator Regan and Director Walensky:

In the wake of this month's train derailment in East Palestine, our constituents continue to worry about the disaster's impacts on their health and the health of their family members. Despite reassurances from local, state, and federal agencies that the air and drinking water are safe, their anxiety persists. We write to share their concerns and to provide the attached opinion from two medical professionals advising the immediate initiation of a health survey of residents in the affected region. We urge you to work with your colleagues across the federal government to allocate resources and expertise to begin the surveys and assessments needed to establish a medical baseline for the community, as suggested in the attached document.

Our visits to East Palestine left us struck by the anxiety and lack of trust experienced by this community. From the fumes lingering in their homes, to the dead fish in their streams, and the chemical leach from subsurface soils into surface water, the reasons for this unease are obvious. We have witnessed the way that chemicals seep out of underwater soil; it is understandable why residents are worried. The only way to assuage those concerns is to take them seriously and respond in an open and transparent manner.

We are hopeful that the U.S. Environmental Protection Agency's (EPA) efforts to take over cleanup of this disaster site will mitigate the health risks to our constituents. We encourage the EPA to continue regular testing of the air, surface water, and groundwater in East Palestine and the surrounding community. But we remain worried that even good-faith efforts from the federal government are ill-equipped to address our residents' concerns about chronic exposure to the hazardous chemicals released in the train derailment. In addition to concerns about acute exposure, we have heard from many residents who are worried about the potential for chronic exposure.

While we understand that EPA, the Centers for Disease Control and Prevention (CDC), and other local, state, and federal authorities have been more focused—by design—on emergency removal action and associated risks related to acute exposure in the immediate aftermath of the derailment, we want to ensure that efforts moving forward also anticipate and address our constituents’ concerns over potential long-term impacts from the disaster. We want to ensure that ongoing efforts from Norfolk Southern, as well as federal, state, and local authorities, are allocated in a way that addresses both the immediate needs of the community as well as long term remediation and response efforts. We appreciate the federal government’s commitment to ensure that immediate costs and remediation efforts are covered, and encourage you to also ensure that protocols are in place to cover the efforts of future clinicians treating these residents and any future litigation needed to make them whole if any ill effects continue to materialize in the years to come.

To aid in efforts to evaluate potential future realizations of harm caused by the derailment, we have solicited a professional opinion, included as an attachment to this letter, from Professor Kyle Walsh of Duke University’s School of Medicine and Professor Glenn Talaska of the University of Cincinnati’s College of Medicine. Professor Walsh, a native of Northeast Ohio, is Director of Duke’s Division of Neuro-epidemiology and Co-leader of the Duke Cancer Institute Program in Neuro-oncology. Professor Talaska is Director of the University of Cincinnati’s Division of Environmental and Occupational Hygiene and Program in Biomonitoring. Their professional opinion advises the immediate initiation of a health survey of residents in the affected region.

As Professors Walsh and Talaska note, “In the coming months and years, additional epidemiologic assessments will be necessary to identify potential longer-term negative health outcomes in exposed residents.” However, “[r]igorously and empirically determining the long-term health consequences will be complicated by a lack of adequate comparator populations.”

Professors Walsh and Talaska argue that “[c]onducting pre/post comparisons of subclinical biomarkers will be instrumental in assessing emerging immunologic and genetic consequences of exposure. ... Because the impacts of exposure will continue to accrue, obtaining these data and samples requires immediate action.”

Professors Walsh and Talaska recommend the voluntary collection of health indicators from a broad spectrum of residents of the East Palestine region to allow these residents to establish a medical baseline from which to track any future negative health outcomes resulting from their exposure. This effort should begin as soon as possible, while the opportunity to collect a valid baseline remains.

Such a health screening effort will not be an easy undertaking; the residents of this community have been burned before by Norfolk Southern contractors knocking on their doors and demanding they sign indemnification forms. We have spoken with multiple constituents who have attempted to get this kind of baseline testing done by their primary care doctors, only to learn that their local doctors lack the capabilities. For others, requests from strangers to survey their sensitive health data may not be well received, and any survey efforts must be designed in

partnership with the community and trusted local stakeholders and with the greatest possible sensitivity to these residents' unease.

The residents of East Palestine and the surrounding community deserve to know if their health has been compromised by this disaster now and for years to come. Therefore, we urge you to work with your colleagues across the federal government to allocate the resources and expertise needed to begin the surveys and assessment needed to establish a medical baseline for the community. We understand that the CDC is able to, upon request, help analyze data collected to provide information on how the measured exposures may impact human health and provide comparison values to aid in future analysis. Should the state of Ohio or the community in East Palestine request this assistance, we urge you to continue to act as a resource in responding to this tragedy.

We hope that efforts to establish a medical baseline for the community will bolster public confidence in the cleanup efforts you have undertaken, and we appreciate your continued support to the state and local community in its efforts to respond to the impact of the derailment over both the short- and long-term.

Sincerely,



JD Vance
United States Senator



Sherrod Brown
United States Senator

CC: The Honorable Mike DeWine, Governor of Ohio
CC: Dr. Bruce Vanderhoff, Director, Ohio Department of Health