February 2, 2024

The Honorable Mike Johnson
Speaker of the House
H-232 The Capitol
Washington, DC 20515-0001

Dear Mr. Speaker,

Tomorrow marks the one-year anniversary of the horrific train derailment in East Palestine, Ohio. This tragedy significantly impacted the lives of my constituents across the state line in Beaver County, Pennsylvania, and I have spent the past year fighting to make freight rail safer for folks like us. It is long past time that Congress takes bipartisan action on rail safety. Accordingly, I ask that you bring the Railway Safety Act to the floor for a vote before Congress adjourns for the August recess. The measure is supported by Democrats and Republicans, the Biden Administration and former President Trump, and ought to be a top priority of the Congress.

On February 3, 2023, a Norfolk Southern freight train made up of 151 cars, some containing hazardous materials like chloroethylene (vinyl chloride) and butyl acrylate derailed in East Palestine, a village in Columbiana County, Ohio. The site was less than a mile from the Pennsylvania state line and the homes and farms of my constituents.

Dozens of first responders mobilized within hours of the derailment, unaware of the chemical dangers that awaited them. As the response continued into the following days, Norfolk Southern personnel noticed pollutants flowing into the nearby Sulphur Run and Leslie Run, residents reported odd smells in their homes, and East Palestine Mayor Trent Conaway declared a state of emergency. Then, after Ohio Governor Mike DeWine and Pennsylvania Governor Josh Shapiro ordered evacuations of a mile radius, there was a controlled release and burn of the five tanks containing vinyl chloride—resulting in the now-notorious black pillar of smoke and flames that played over the news for weeks to follow.

Without dwelling on the resulting health problems, environmental scare, and general lack of trust that I still regularly hear from my constituents, I instead want to emphasize that we cannot accept Congressional inaction, and how the February 3, 2023 derailment could have been much worse.
On March 1, 2023, Senators Brown and Vance of Ohio, and Senators Casey and Fetterman of Pennsylvania introduced the *Railway Safety Act of 2023* with a bipartisan group of Senators. Less than one month later, I, along with Rep. LaLota of New York, introduced the House version of this bill to comprehensively respond to the tragic derailment and reduce the likelihood of future derailments.

Among other things, the bill would institute requirements for wayside defect detectors, increase fines for wrongdoings committed by rail carriers, enhance safety procedures for trains carrying hazardous materials, and establish a requirement for trains to operate with at least two-person crews.

I have visited the affected communities multiple times to speak with both citizens and local leaders and have met with the folks who work on the trains. This bill is a direct result of those conversations. This bill should be brought to the House floor for a vote and passed to reduce train derailments in a meaningful way; these derailments have been written off as collateral damage by the railroads and their corporate shareholders for far too long, despite the terrible impact on innocent families. **Folks like us, who live along or near the tracks, refuse to be treated as collateral damage in the way of big railroads’ profits.**

The National Transportation Safety Board (NTSB) concluded that the derailment was caused by a failed wheel bearing. As the train approached East Palestine, three hotbox detectors recorded temperatures increasing at dangerous rates that triggered an alarm and alerted the engineer to “respond immediately” in halting the train. The overheated wheel bearing failed as the train decelerated, and once the crew stopped the train, they saw smoke and fire and alerted the proper authorities of a possible derailment.

In line with the NTSB’s conclusions and recommendations, the *Railway Safety Act* would require hotbox detectors to scan trains carrying hazardous materials every 10 miles, rather than at industry’s discretion. Regular frequent scans could have alerted the crew sooner and possibly avoided the derailment. Additionally, the *Railway Safety Act* would require rail carriers to provide advance notice and information to state emergency response officials about the content and materials that they transport, allowing officials to prepare for worst-case scenarios.

Railroad companies are working to reduce crews to one person and increase train lengths through “precision scheduled railroading,” ultimately increasing the chances of repeat disaster. It is critical to note that this derailment could have been much worse, but thanks to the three diligent workers who followed proper protocol and rapidly addressed the situation, we avoided further disaster. In fact, NTSB Chair Jennifer Homendy noted "we have no evidence that the crew did anything wrong." In my meetings with members of the Sheet Metal, Air, Rail, and Transportation Workers (SMART) union, I was assured that the derailment was contained to what it was because there were multiple crew members, and if the crew were reduced to a single engineer, it would not be possible to perform all the steps needed to halt the train, alert proper channels, and follow all suggested actions. We must pass the *Railway Safety Act* to ensure crews maintain a minimum of two people to protect the communities that these freight trains traverse, like my own.
Over the last two centuries, railroad companies have wielded their power and influence to protect their profits and avoid common-sense safety measures, allowing them to cut corners and pad the pockets of their corporate shareholders at the expense of the American people. After the East Palestine derailment, the big railroad lobby sprang into action once again and lobbied members of Congress—directing them to do nothing to make rail safer and risk cutting into their profits. Since introducing this bill over 10 months ago, that is exactly what has happened: **nothing.**

To truly mark one year since the devastating derailment in East Palestine in a meaningful way, I urge you to swiftly bring this bill to the floor and support its passage. The people of East Palestine and its surrounding communities in Western Pennsylvania have waited long enough and they deserve better. They deserve safer towns for their children and neighbors. They deserve a Congress that acts after tragedy and doesn’t carry water for the rail industry. They deserve the passage of the *Railway Safety Act.* I stand ready to assist you to this end and appreciate your attention to this matter.

Very respectfully,

[Signature]

Chris Deluzio
Member of Congress