

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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WASHINGTON, DC 20515-6143

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

February 24, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, D.C. 20590

Dear Secretary Buttigieg,

The Committee on Oversight and Accountability is investigating the ongoing crisis that began on February 3, 2023, in East Palestine, Ohio. A Norfolk Southern freight train's derailment and the ensuing response released highly toxic chemical materials into the air, water, and soil—forcing residents of East Palestine to evacuate.¹ This incident is an environmental and public health emergency that now threatens Americans across state lines.² Despite the U.S. Department of Transportation's (DOT) responsibility to ensure safe and reliable transport in the United States, you ignored the catastrophe for over a week.³ The American people deserve answers as to what caused the derailment, and DOT needs to provide an explanation for its leadership's apathy in the face of this emergency. We request documents and information regarding DOT's response to the East Palestine, Ohio, train derailment and ensuing environmental and public health emergency.

The fallout from the Ohio train derailment continues to develop. DOT's National Transportation Safety Board (NTSB) issued a preliminary report on February 23, 2023, which stopped short of declaring a concrete cause of the derailment.⁴ The report explained that the train passed through several hot bearing detectors signaling that a wheel bearing had critically overheated.⁵ The train subsequently came to a stop where a crew then observed fire and smoke

¹ Justine McDaniel, *What's known about the toxic plume from the Ohio train derailment*, WASH. POST (Feb. 15, 2023); Patrick Reilly, *Evacuation order lifted after hazardous Ohio train derailment, fire*, N.Y. POST (Feb. 8, 2023).

² See, e.g., Connor Giffin, *Ohio train wreck chemical spill nearing Kentucky border. What we know*, COURIER J. (Feb. 16, 2023).

³ Jessica Chasmar, *Ohio train derailment adds to Buttigieg's growing list of slow responses, after he waited 10 days to address*, FOX NEWS (Feb. 14, 2023); Katherine Fung, *Pete Buttigieg Ignores Ohio Train Derailment in Transportation Celebration*, NEWSWEEK (Feb. 13, 2023).

⁴ Nat'l Transportation Safety Board, *Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires* (Feb. 23, 2023) (Preliminary Report RRD23MR005).

⁵ *Id.*

from a possible derailment.⁶ The wheel's failure, occurring moments before the derailment, was also observed by NTSB investigators via surveillance footage from a local residence.⁷

The infrastructure failure that caused the derailment has led to an environmental disaster. After the derailment, crews held a controlled release and burn of the toxic chemicals—including the explosive and carcinogenic vinyl chloride⁸—carried in the railcars.⁹ The controlled burn created a massive smoke plume above East Palestine for several hours.¹⁰ Alarming, some of these chemicals may still be present in the area, with residents reporting dead animals, strong odors, burning sensations, rashes, and watery eyes.¹¹ One hazardous materials specialist explained, “We basically nuked a town with chemicals so we could get a railroad open.”¹²

As Secretary of Transportation, you must provide transparency to the American public on this matter. Instead, you have attempted to blame others for infrastructure that is within DOT's ambit of responsibilities.¹³ Under your leadership, DOT supported President Biden's Infrastructure Bill, which included billions of dollars devoted to revamping America's railways in an effort to make them safer and more efficient.¹⁴ Yet America now faces one of transportation's largest failures, even while DOT seems to not lack available funding. In America, over 1,000 trains derail every year.¹⁵

The Committee is deeply concerned by DOT's slow pace in resolving this matter. To assist the Committee in investigating the derailment in Ohio, please provide the following documents and information no later than March 10, 2023:

- 1) All documents and communications regarding your public response to the East Palestine, Ohio train derailment;

⁶ *Id.*

⁷ *Id.*

⁸ Aidan Pollard, *Two weeks after toxic chemicals burned on a derailed train, Ohio residents fear for their safety. Here's what we know about the crash.*, INSIDER (Feb. 19, 2023).

⁹ Juliana Kim, *Ohio crews conduct a 'controlled release' of toxic chemicals from derailed train cars*, NPR (Feb. 6, 2023).

¹⁰ Jacob Knutson, *What we know about the Ohio train derailment*, AXIOS (Feb. 20, 2023).

¹¹ Scott Dance, Justine McDaniel, & Brady Dennis, *'We will get to the bottom of this,' EPA tells residents near Ohio derailment site*, WASH. POST (Feb. 16, 2023).

¹² Jennifer Rodriguez, *'We basically nuked a town': 3 more chemicals discovered in Ohio train derailment*, WKBN FIRST NEWS (Feb. 12, 2023).

¹³ Joe Silverstein & Alexa Moutevelis, *'Complete embarrassment:' Buttigieg blasted for touting 'rail safety,' blaming Trump for Ohio train derailment*, FOX NEWS (Feb. 16, 2023).

¹⁴ U.S. Dep't of Transportation Fed. Railroad Admin., *Bipartisan Infrastructure Law Information from FRA*, available at

<https://railroads.dot.gov/BIL#:~:text=The%20Bipartisan%20Infrastructure%20Law%20includes,%2436%20billion%20in%20authorized%20funding.>

¹⁵ David Sirota et al., *Over 1,000 Trains Derail Every Year in America. Lets Bring That Number Down.*, N.Y. TIMES (Feb. 17, 2023).

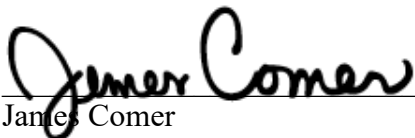
- 2) All documents and communications sufficient to show when you learned about the train derailment in East Palestine, Ohio, and any guidance provided to you regarding what your response should be;
- 3) All documents and communications since January 20, 2021, regarding any change to DOT train maintenance and procedures, including but not limited to those for trains carrying hazardous materials;
- 4) All documents and communications regarding NTSB's progress on the cause of the derailment; and
- 5) All documents and communications regarding the Pipeline and Hazardous Materials Safety Administration handling of hazardous materials in the derailment.

The Committee has provided instructions regarding how these materials should be produced and defined certain terms in the accompanying attachment.¹⁶ To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability staff at (202) 225-5074.

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

Thank you for your prompt attention to this important investigation.

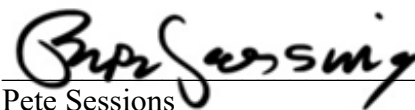
Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs




Pete Sessions
Chairman
Subcommittee on Government Operations
and the Federal Workforce




Nancy Mace
Chairwoman
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation

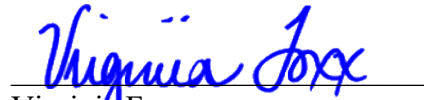
¹⁶ See Attachment A.



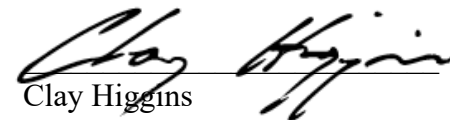
Jim Jordan
Member of Congress



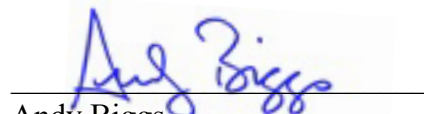
Paul A. Gosar, D.D.S.
Member of Congress



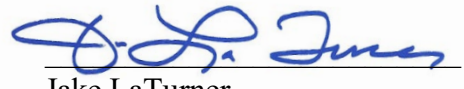
Virginia Foxx
Member of Congress



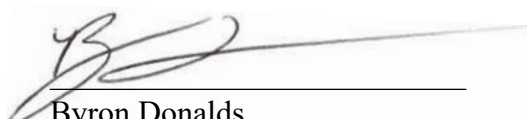
Clay Higgins
Member of Congress



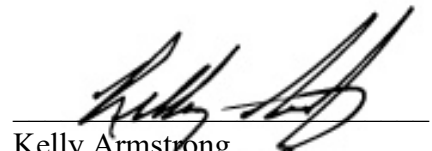
Andy Biggs
Member of Congress



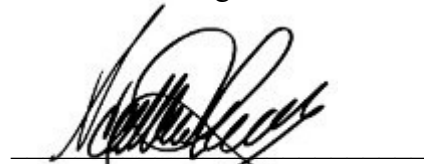
Jake LaTurner
Member of Congress



Byron Donalds
Member of Congress




Kelly Armstrong
Member of Congress



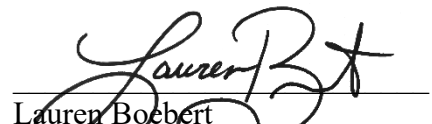
Scott Perry
Member of Congress



Tim Burchett
Member of Congress



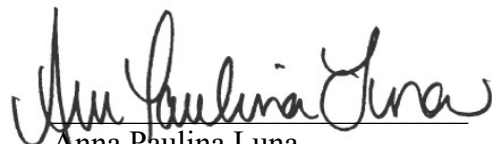
Marjorie Taylor Greene
Member of Congress



Lauren Boebert
Member of Congress

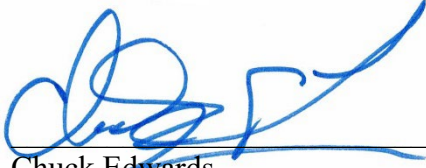


Russell Fry
Member of Congress

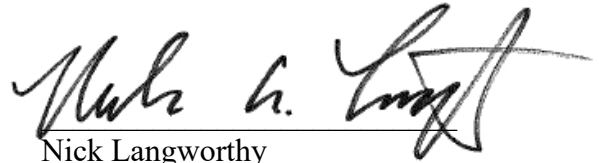


Anna Paulina Luna
Member of Congress

Secretary Buttigieg
February 24, 2023



Chuck Edwards
Member of Congress



Nick Langworthy
Member of Congress



Eric Burlison
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

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

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

The Honorable Gerald Connolly, Ranking Member
Subcommittee on Cybersecurity, Information Technology, and Government Innovation