

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Ranking Member Frank Pallone, Jr.

Hearing on “Government Response to East Palestine: Ensuring Safety and Transparency for the Community”

March 28, 2023

Today the Subcommittee is holding a hearing on the Norfolk Southern train derailment without a representative from the company responsible for this disaster and for the cleanup. It is not acceptable that Committee Republicans did not invite Norfolk Southern to participate in this hearing. And unfortunately, this omission will result in the American people and this Committee being deprived of the answers we all deserve directly from the company.

Most of all, the people of East Palestine deserve answers. It is certainly good that we are having this hearing today, but Norfolk Southern should be here. Norfolk Southern caused this mess and they are tasked with cleaning it up – not the Environmental Protection Agency (EPA), or Ohio EPA, or the Columbiana County Health Department. The company should have to explain what happened, how they plan to prevent it from happening again, and what more must be done to ensure the long-term health and safety of the community.

I know the emotional and physical toll cleaning up a toxic site can take on a community. No one should have to fear that the water they drink or the air they breathe is unsafe.

The panelists in front of us today can surely answer many of our questions about the response and remediation efforts, but federal, state and local agencies have largely shifted into oversight roles over Norfolk Southern’s cleanup activities. Norfolk Southern is actually removing the contaminated soil, contracting with the waste facilities, and hiring the contractors to manage the cleanup. And their glaring absence holds us back from fully understanding the breadth of this catastrophe and the work being done to clean it up.

My hope is that the tragedy can offer lessons for future incidents, opportunities for legislation to limit further chemical disasters, and most importantly shine a light on the plight of the folks on the ground in East Palestine, Ohio.

I don’t want my disappointment over Norfolk Southern’s absence to take away from how pleased I am with the work being done by the witnesses who did make the time to come today. I think the work between our federal, state, and local agencies is a good example for how to put politics aside for the good of our communities facing unforeseen tragedies.

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EPA has been on the ground since the derailment – arriving at the site hours after the accident. The agency has provided robust air and water testing and opened a community center and hotline to share critical information with residents.

As a longtime supporter of Superfund, I'm pleased to see EPA using all of its authority to hold Norfolk Southern accountable in every way they can. I also appreciate their work to reassure the residents of East Palestine that the air and water are safe, and for their continued oversight over Norfolk Southern's cleanup work to ensure the community is made whole.

EPA, Ohio EPA, and local agencies like the Columbiana Health Department have been working in tandem to provide critical testing data and to dispel misinformation giving residents peace of mind as they navigate this cleanup process.

The tragic train derailment is a sharp reminder of how important it is to have serious, robust environmental laws in place to protect communities across the nation from dangerous pollution in the air, water, and soil. Republicans' calls for the federal government to step in and respond to this disaster are proof that government plays a critical role in protecting public health and safety. But rather than joining us in strengthening the EPA for the future, Republicans are attempting to further undermine it. This week, House Republicans are proceeding with their Polluters Over People legislation, H.R. 1, that will tear down fundamental environmental and public health protections that protect communities like East Palestine.

I will end my opening statement where I began. We must finally hear from Norfolk Southern soon so we can finally get answers to important questions that simply cannot be answered today. I appreciate that Chair Rodgers said there will be more hearings, and I believe she specifically said that we will hear from Norfolk Southern at those hearings. I appreciate that. Norfolk Southern must be held accountable for this tragedy.