

**Congress of the United States**  
Washington, DC 20510

February 16, 2023

Mr. Alan Shaw  
President and CEO  
Norfolk Southern Corporation  
650 W. Peachtree Street NW  
Atlanta, GA 30308

Dear Mr. Shaw:

We write today in response to the derailment of a Norfolk Southern train carrying hazardous materials near the Ohio-Pennsylvania border in East Palestine, Ohio, on February 3, 2023. While we are grateful that no lives were lost in the derailment, we remain deeply concerned about the event as well as its immediate and long-term impact on the affected communities and residents in Ohio and Pennsylvania.

As the carrier responsible for operating the train, Norfolk Southern has a duty to be an active member of the response and clean up. We hear from our constituents on the ground concerned about Norfolk Southern's responsiveness. It is imperative that Norfolk Southern fully and transparently participate alongside agencies and first responders and that company representatives attend community meetings to directly give updates and answer to the community. For the sake of the residents and communities struggling to recover from the derailment, we write to state our clear expectation that Norfolk Southern be proactive, transparent, and responsive to local needs in providing full and fair remuneration for the damages this derailment has caused.

We appreciate that Norfolk Southern has distributed over \$1.5 million directly to families in the area to cover costs associated with temporary relocation during the evacuation, that the company has supported the East Palestine Fire Department with \$220,000 for Self-Contained Breathing Apparatus replacements, and that a new community fund is also being established. This is a start. It is imperative that provision of any financial assistance not be conditioned on waivers of future claims – be they financial or legal. We also expect the U.S. Environmental Protection Agency to use existing authorities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure that Norfolk Southern contributes as required to the clean-up of these hazardous materials.

However, for the Ohio and Pennsylvania residents forced from their homes and now living with uncertainty as well as the first responders who responded to the crisis, questions remain about what will be required for the long-term recovery for their families, businesses, organizations, and communities. It is our expectation that Norfolk Southern will not only fulfill its legal

responsibilities, but also its moral obligation to make whole those who have had their lives upended through no fault of their own.

To that end, we ask that Norfolk Southern provide generous recovery support including: further replacement of gear for any involved first responders, assistance to businesses forced to close due to the evacuation, and compensation for workers unable to work due to the evacuation. We also urge you to provide payment for continued testing by an independent third party of the air, water, and other exposure levels for anyone in the broader region who requests it. We must see concrete plans for how Norfolk Southern will take financial responsibility for the issues caused by this derailment, which will affect these communities long after the immediate crash site has been remediated.

As a part of Norfolk Southern's commitment to local residents and communities, we are seeking answers, in writing, to the following questions:

- How does the company plan to assist individuals or municipalities with short-term water needs? What will be done in the long-term if water sources are contaminated by the hazardous materials that leaked out of tanker cars or that were created during the explosion and subsequent fires?
- What is the company's plan to reimburse local farmers if their crops, soil, or livestock are found to be injured, killed, contaminated, or in any way rendered less valuable by the derailment or its effects?
- How will the company determine the amount of direct financial compensation it will provide to municipalities affected by this derailment, including East Palestine, Ohio, and Darlington Township, Pennsylvania?
- What steps will the company take to make information regarding reimbursements and financial assistance available to local residents, organizations, businesses, and relevant public officials? Following the emergency phase of the clean-up, what subsurface remediation activities are anticipated being needed and what is the anticipated length of time required for those activities?
- What are the company's plans for remediation and disposal of impacted soils? Will any of the materials need to be transported off-site for treatment and disposal? And how will the company ensure communities are protected along the transportation route?
- Since the adoption of Precision Scheduled Railroading (PSR) how has Norfolk Southern's staffing changed? Can you confirm that Norfolk Southern's workforce has reduced by approximately 40 percent due to PSR? Further, please provide data on the size of the Norfolk Southern workforce that conducts inspections of trains since adoption of PSR.
- How much has Norfolk Southern expended on stock buybacks and dividends in the past 10 years? And during that period how much has Norfolk Southern expended on maintenance and repair of infrastructure and rolling stock?

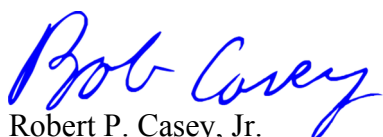
Beyond the immediate impact to families, livelihoods, and communities, the derailment has created an environment of fear, uncertainty, and distrust for too many of the people we serve. Not only does Norfolk Southern have an obligation to make whole those who have been harmed by the derailment in the short- and medium-term, but how it responds in meeting those obligations will have a significant bearing on whether Norfolk Southern can restore faith and

reassure those throughout the country in your ability to haul freight without threatening the lives and livelihoods of those who live near the rail tracks.

In the long-term, Norfolk Southern must make the necessary improvements to safety practices regarding the transport of hazardous materials on U.S. railroads, and increased safety will require significant new investment by Norfolk Southern. No American family should be forced to face the horror of fleeing their homes because hazardous materials have spilled or caught fire in their community.

We look forward to receiving a timely response addressing the above questions and concerns.

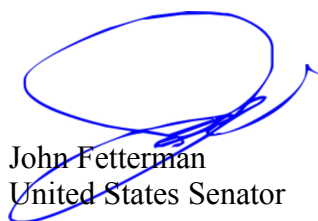
Sincerely,



Robert P. Casey, Jr.  
United States Senator



Sherrod Brown  
United States Senator



John Fetterman  
United States Senator



Christopher Deluzio  
Member of Congress



Bill Johnson  
Member of Congress



JD Vance  
United States Senator