

Norfolk Southern to walk away with \$310 million fine for East Palestine, Ohio derailment

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Norfolk Southern and the US Environmental Protection Agency (EPA) reached a \$310 million settlement over the derailment and fire that poisoned the town of East Palestine, Ohio, with toxic chemicals early last year.

Also this month, a federal judge approved a \$600 million settlement to a class action lawsuit brought by residents of the area against the railroad. Residents will have until July 1 to opt out of the class action if they do not want to be part of the settlement and seek their own settlement. Those suits can take years to settle.

The National Transportation Safety Board (NTSB) is expected to release its final report on the accident on June 25, giving residents less than a week to read the report and decide if they want to be part of the class action settlement or not.

The settlements amount to a drop in the bucket of the real costs of cleaning up from the disaster and the impact on the health and lives of residents which can last for their entire lives.

Norfolk Southern reported over \$8 billion in gross profits for 2023 and another \$1.9 billion for the first three months of 2024.

As part of the settlement with the Environmental Protection Agency, Norfolk Southern agreed to pay the EPA \$235 million for cleanup costs. Just \$25 million will be allocated over 20 years for a community health program and another \$15 million to set up long-term monitoring of surface and groundwater.

The actual fine for poisoning a whole community with cancer-causing chemicals is just \$15 million. This is less than 1 percent of the gross profits the company made so far this year and just slightly more than the \$13.4 million that Norfolk Southern CEO Alan Shaw

made himself last year.

A total of 38 cars out of a 151-car long train derailed on February 3, 2023, after the railroad ignored warnings that the wheel bearings in one of the cars was overheating. Eleven of those cars were carrying hazardous materials, several of which burst open and began to burn.

In a decision that has been disputed by hazardous materials experts, the railroad decided to ignite five tanker cars carrying over 1 million pounds of vinyl chloride rather than let them cool down and safely move them. Vinyl chloride is a highly toxic chemical and known carcinogen, which in high enough concentrations, causes death.

“It was like an inferno going off,” said Vicky who lived with her family just outside the evacuation zone. “You could see the flames shoot off into the air, and the smoke went up to the clouds.”

Residents reported serious health problems, including burning of the eyes, nose and throat, as well as headaches and vomiting.

“The smell in the air was horrible,” continued Vicky. “Your eyes were watering, we all got in our car and just drove.”

Environmental groups found that over 45,000 animals were killed by the spill and release. Most were fish and other animals living in the water, but rabbits, raccoons and even some deer were found to have been killed in the disaster.

“This settlement is just a drop in the bucket for Norfolk Southern,” said Vicky. “All they cared about was getting their trains rolling. The governor told everyone it was safe to come home, and 15 minutes later the trains started rolling through our town again.

“They don’t care about us, just making their profits. No one knows what the long-term effects are going to be. Ten or 15 years from now, my children could start getting cancer. Who’s going to take care of them?”

“\$25 million to run a clinic for 20 years for 5,000 people. That’s ridiculous.”

Many residents agreed.

Linda and Russ Murphy, who live about a mile from the derailment site, told NewsNation that they still feel sick.

“We’re constantly feeling uneasy on our feet or dizzy, flushed, trouble focusing, don’t see quite as well as we should be. There’s a lot of stuff going on. The headaches; I still get that funky taste in my mouth, that sweet, very odd, tingling, shortness of breath,” Russ said.

Christina Graves, who lives 1.2 miles from the train derailment crash site in East Palestine, told SpectrumNews 1 that “it was like a sunset over the treetops,” describing what she saw in February 2023.

“I don’t spend much time outside. I used to live for bringing my grandson outside during the nice weather. I don’t feel good about it. I don’t want him putting a leaf in his mouth or anything that a normal little kid would do,” Graves told the news outlet. “It was just a nice rural property that had no concerns. Now, it’s different.”

Earlier this month, a government whistleblower revealed that the EPA did not deploy an advanced aircraft designed to detect toxic chemicals until days after the derailment.

The aircraft, known as ASPECT, is equipped with advanced radiological and infrared sensors designed to identify the chemical fingerprints of hundreds of hazardous materials, including the toxins being carried by the Norfolk Southern train that derailed.

The plane was supposed to have been deployed within hours of a chemical spill, but it was not moved to Pittsburgh until two days later and then did not fly over the crash site until February 6.

That date is significant since it is after the release and burn of the vinyl chloride. Norfolk Southern and the EPA both claimed that it was necessary to prevent an uncontrolled explosion of the tanker cars. But the ASPECT plane carries infrared heat sensors and could have confirmed what the chemical manufacturers were saying, that there was no danger of an uncontrolled

explosion.

Robert Kroutil, who wrote the software and helped interpret the data from the plane’s powerful sensors, said that the government failed to deploy the plane in time and that when it did, many of the sensors that could have detected the chemicals being released into the air and water were turned off.

The information was first released in a report from the Government Accountability Project, followed by an interview with the Associated Press.

Officials have said that the reason the plane did not fly over the site February 5 is because of icing on its wings. However, Federal Aviation Administration data shows that roughly 300 planes took off or landed at Pittsburgh International Airport on February 4, 5, 6 and 7 and with the normal number of flight cancellations and delays.



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