

Norfolk Southern avoids admission of wrongdoing in settlement on East Palestine, Ohio derailment

Tom Hall, Samuel Davidson
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Class I railroad Norfolk Southern avoided any admission of wrongdoing in a \$600 million class action settlement reached Tuesday with the victims of last year's derailment in East Palestine, Ohio. The February 2023 derailment, and subsequent deliberate release and burn of toxic chemicals by the railroad, poisoned the entire town of 4,600 people and the surrounding area.

The cost of the settlement will be seen by management as a one-off, merely the cost of doing business. It is less than its \$808 million in earnings from the fourth quarter alone last year, a total which includes a \$150 million charge associated with the costs of the derailment. The company has spent \$1.1 billion in total costs related to the cleanup, including a meager \$104 million in aid so far to residents.

The settlement money will be available to those who live within 10 miles of the accident site. According to statements to the press, payouts to claimants will not even begin until toward the end of the year, nearly two years after the disaster.

Meanwhile, derailments at Norfolk Southern and other US railroads continue apace, while the average speed of Norfolk Southern trains has crept up to 21.9 miles per hour, according to the Associated Press. Last month, a collision involving three Norfolk Southern trains sent locomotives into the Lehigh River, a tributary of the Delaware River which passes by the city of Philadelphia.

There is no question that in East Palestine, Norfolk Southern is responsible for one of the worst environmental disasters in recent memory in the United States. It was caused by a defective axle on a train car which overheated and caught fire, leading to the derailment of approximately 50 cars, including several carrying highly toxic vinyl chloride.

In an effort to reopen the tracks as soon as possible, and falsely claiming that several cars were at risk of an explosion, the company carried out what it called a "controlled release and burn" of vinyl chloride from several cars. The resulting fire led to a massive smoke plume and the release of carcinogens such as dioxins into the air, soil and water of the region.

Meanwhile, more than a year after the incident, residents still report serious health problems. One independent investigation noted by NewsNation found that 80 percent of respondents within a mile of the accident reported upper respiratory symptoms, and

three out of four reported at least one new health symptom.

Once again, a corporation in the US is being let off the hook for a disaster caused by the ruthless pursuit of profits. Massive cuts to maintenance and workforce levels in the railroad industry, one of the most profitable industries in America, contribute to a situation where derailments occur on average three times a day nationwide.

Local residents spoke with contempt toward the settlement. "This settlement, they want to close it down," Ashley McCollum told the *World Socialist Web Site*. She lived with her family just two blocks from the crash site. Over the past year they have been living much of the time in a hotel until Norfolk Southern stopped paying for the living expenses without explanation.

"My house was independently tested, and I have chemicals in it. I still get sick when I go there," she said. "I still don't feel safe living there or selling it. That's a weight I shouldn't have to carry. If this was being made right, my house should be tested properly to let me make the right choices to move on."

Another resident who asked not to be named said, "We have a horrible chemical cocktail to deal with on land, in our water and through the air, not to mention the byproducts of what was created in the fires both from the derailment and the 'controlled' release.

"I do not believe we are okay now, and I do not believe we will be okay in the future. I have lost my sense of security in so many ways. The question is how do we make Norfolk Southern accountable? How are members of our community made whole?"

EPA refused to declare public health emergency

The fight to make the community whole requires not just a fight against Norfolk Southern but its enablers in the government. Key responsibility for the disaster lies with the Biden administration. As is always the case in such disasters, it responded to protect the corporate criminals responsible, not lives. Norfolk Southern was left in charge of the response and cleanup, while the government denied there was any threat to the community—a lie which it still maintains.

Moreover, the derailment took place only months after Biden and Congress intervened to block a nationwide rail strike, in which

safety and maintenance would have been key issues. While workers had voted almost unanimously to strike, the rail unions colluded with the government to stall for time for the anti-strike law to be passed.

President Biden did not even visit East Palestine for more than a year, until he finally made an appearance this February. In his remarks, he wagged his finger about Norfolk Southern's "greed" making the disaster possible, while signaling that the government was mostly done responding to it. "There is a lot more to do, although the vast majority has been done," he said.

Tuesday's settlement came after a report last week by the Government Accountability Project (GAP) that the Environmental Protection Agency refused to issue a public health emergency in the aftermath of the disaster. Declaring an emergency would have opened up additional resources to residents, including funding for medical care.

Internal communications acquired through a records request show the agency's Regional Counsel advised it was "best not to get into this," citing the fact that the EPA had only declared a public health emergency once in its history. That declaration took place in the 1980s, following an asbestos exposure of the mining town of Libby, Montana, which killed hundreds. The fact that no other declaration has taken place since only exposes the culpability of the government in helping to cover up one disaster after the other.

Incredibly, the EPA claims that an emergency declaration was not necessary because it does not have any data of ongoing chemical exposures to residents. But even if that is the case, it is because the government has actively avoided looking for it. The EPA did not bother to test for dioxins for months after the disaster, and it continues to claim that it has never detected concerning levels of chemicals in its testing, outside of those conducted of the soil at the derailment site itself immediately following the accident.

"If they admit it's a public health crisis, they have to admit that they participated in this public health crisis, which was allowing an open burn of chemicals, which never should have happened and was against their own statutes," a representative from the GAP told NewsNation. "And if they admit this, then they have to admit there's some culpability from the EPA there."

Government joins hands with Norfolk Southern in response to Baltimore bridge collapse

The official indifference and cover-up in East Palestine has direct implications for the collapse last month of the Francis Scott Key Bridge in Baltimore. From the beginning, the White House has treated the collision with the bridge by a container ship, which killed six maintenance workers, as a purely economic event. The White House has pledged to reopen the Port of Baltimore, the country's largest auto port, as quickly as possible, while joining hands with corporate America to reroute supply chains as quickly as possible.

While Norfolk Southern was held, at least to a limited degree, financially responsible for the East Palestine derailment, in Baltimore the ship's operator Synergy Marine and contractor Maersk have been left entirely off the hook, with the federal government footing the entire bill. While government officials have claimed that at some undetermined date in the future the corporations responsible would be held liable, there is no reason to believe this day will ever come.

In fact, both Maersk and Norfolk Southern were in attendance at a "stakeholders" meeting last month hosted by Transportation Secretary Pete Buttigieg to plan out the official response to the bridge collapse.

Both Norfolk Southern and rival East Coast railroad CSX are key to efforts to divert cargo to other ports. Last Wednesday, NS began deliveries of cargo to another of its port terminals in Norfolk, Virginia. CSX announced earlier this month that it has set up a new freight route to divert traffic to the Port of New York and New Jersey.

Just as in East Palestine, corporate America is being left in charge of the official response. Moreover, there can be no doubt that if the waters around Baltimore were not a key economic choke point, the response to the bridge collapse would be far more limited and delayed.

In fact, Baltimore's working class residents also face serious dangers from pollution and chemical releases. Norfolk Southern shipped 675,000 gallons of wastewater from East Palestine to a facility in Baltimore last year, drawing outrage from local residents.

CSX also operates its infamous coal terminal in the city's Curtis Bay area, which working class residents say is the source of massive air pollution. In 2021, a huge explosion occurred at the site, which sent out a shockwave that could be felt across the city. The government later fined the railroad only \$121,000. Last summer, two CSX trains collided in the facility, resulting in a diesel fuel spill.

What makes such disasters an inevitable and regular occurrence is the dictatorship over society by the major corporations and capitalist ruling elite. The alternative to this is a movement in the working class against the domination of society by profit.



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