

Over 700 residents file additional suits over East Palestine, Ohio train derailment in 2023

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A lawsuit says that people died because of the February 3, 2023 East Palestine, Ohio, train derailment, which was followed by a massive and deliberate toxic chemical release which poisoned the town near the Ohio-Pennsylvania state line.

Listed in the lawsuits are a one-week-old baby and at least six other people, who are alleged to have died as a result of the deliberate poisoning of East Palestine and the surrounding community.

The lawsuit was one of many that were filed ahead of the second anniversary of the Norfolk Southern train derailment and on the last day that lawsuits could be brought against the company for this disaster.

On February 3, 2023, 38 cars of an eastbound Norfolk Southern train with 151 cars derailed. Eleven of those cars were carrying toxic chemicals, several of which ruptured and burst into flames. Two days later, Norfolk Southern and government officials made the decision to detonate five of the remaining cars that contained highly toxic vinyl chloride and allow the carcinogen to burn.

The subsequent explosion and fire sent flames over 300 feet into the air, which could be seen for more than 20 miles. The plume of smoke traveled high into the atmosphere and was pushed by winds hundreds of miles. Chemicals from the fire have been found in more than 16 states.

Much of the vinyl chloride that did not burn ran into the nearby rivers and creeks and the ground. Additionally much of the VC evaporated into the air without burning and was carried by the winds.

Many of the 5,000 residents of East Palestine, as well as people who lived in the surrounding communities, especially those downstream from the disaster, reported medical problems, including burning eyes, lips and throat; headaches; dizziness and nostril burning—all symptoms linked to chemical poisoning.

Tests done on residents show that chemical contaminants remain in their bodies.

The suits are challenging the terms of a class action settlement that was approved by a federal judge last summer. Under that agreement, residents would receive up to \$70,000 for property damage and another \$25,000 for healthcare costs, a drop in the bucket. The final amount actually received depends on the distance of people's homes from the inferno and "other factors."

Over 700 residents are taking part in the lawsuits. They are alleging that the maximum \$25,000 healthcare payment is not enough to cover the immediate and possible long-term effects of the deliberate poisoning of this community. Residents cannot be expected to give up their right to sue based on health conditions today, they argue, when the impact of the disaster 10, 15 or 20 years from now is not known.

Also being challenged are provisions in the settlement that keep secret the results of test that were performed on residents' land, homes and persons.

"We were expected to make a decision without having access to data," said Zsuzsa Gyenes, one of the residents who feels that the class action settlement does not go far enough to both compensate residents and ensure that such disasters do not happen again.

"We don't know the full level of the chemicals we were exposed to. How can we know what effect that will have on me and my family 5, 10 or even 25 years from now?"

"I'm doing this for my son," Zsuzsa explained. "What might he face in the future because of what Norfolk Southern did?"

Zsuzsa and her then nine-year-old son lived a little over a mile from the disaster.

"I've lost two years of my life. My son has lost one year of school. We can't get that back. We don't know what this is going to cost us down the line; what impact on our health, both mental and physical, this will have."

Zsuzsa's son was nine at the time of the derailment and explosion. Zsuzsa lived about a mile from the site of the

explosion, and the smoke and fumes traveled over her home.

“As soon as it happened, we started getting sick,” Zsuzsa explained. “I packed up my son and got out of there. Three days later they told us it was safe to go back, but when I went into my home you could smell the gas, and we started getting sick all over again. We didn’t stay.”

“I asked the EPA to test the house, but they wouldn’t come inside,” Zsuzsa explained. “They tested the ground and air outside, but they wouldn’t come into where we were living. It was like they didn’t want to know.”

“They said that the chemicals couldn’t come into the house. But now they are having to repair the municipal building because it is contaminated. They say it entered through uncapped pipes. But there are uncapped pipes everywhere.”

A resident, who asked to remain anonymous because of facing harassment, said, “This completely upended our lives. I said something, and I lost my job.”

Their family has three children, and they were forced to move. “We were all getting sick. They told us it was safe to return, but it wasn’t.”

“They knew it was wrong to burn those railcars. All they cared about was opening up the tracks as fast as possible. Norfolk Southern started running trains within 15 minutes of the governor declaring that it was all safe.”

Norfolk Southern took in \$12.1 billion in revenue last year and a net income of over \$2.6 billion, over four times the total settlement of \$600 million.

The disaster was the direct result of Norfolk Southern’s drive for profits at the expense of safety. Leading up to the derailment, Norfolk Southern, along with the other Class 1 railroads, had been lengthening trains, cutting crews and reducing maintenance.

In addition to Norfolk Southern, the group of new suits also is aimed at the Environmental Protection Agency (EPA). The suits cite the EPA’s decision to allow Norfolk Southern to vent and burn the vinyl chloride and the railroad’s refusal to test for dioxins, a deadly group of chemicals, until a month after the derailment. Dioxins are a known byproduct of the burning of vinyl chloride.

Last year, a whistleblower also revealed that the EPA did not use an airplane equipped with instruments designed to monitor air quality following the disaster. The airplane was moved to the nearby Pittsburgh International Airport but was not activated to take samples of the air as it traveled over the East Palestine disaster area.

President Donald Trump’s newly confirmed head of the Environmental Protection Agency, Lee Zeldin, has no intention of holding the railroads accountable or of pushing for stricter enforcement of current regulations.

Zeldin, a former Republican congressman from New York,

is a longtime supporter of Trump, including serving on his legal team during his first impeachment trial and voting against the certification of Joe Biden on January 6, 2021, when Trump attempted to overturn the election.

He has stated that he plans to implement Trump’s agenda to cut regulations on businesses.

Last Monday, Vice President and former senator from Ohio JD Vance visited the site as part of the cover-up of the disaster, claiming that the Trump administration would see the cleanup completed whereas the Biden administration did not.

Shortly after the disaster, Vance along with other Republican and Democratic lawmakers promised swift passage of the Railroad Safety Act, which they claimed would improve safety and prevent disasters like this from happening again.

But two years later, Vance’s bill has gone nowhere. After a series of well-publicized hearings, the bill has stalled in Congress. Vance and other lawmakers were beneficiaries of the millions spent in lobbying against the bill by Norfolk Southern and the other Class 1 railroads.

At his presentation on Monday, Vance gave no explanation for why the bill has gone nowhere and instead made an empty call upon his fellow Republicans to now pass the legislation.

Both Democrats and Republicans have a long record of collaborating with Norfolk Southern and other railroads. In 2022, the Biden administration intervened, with the backing of Congress and the support of the union leadership, to block a strike by railroad workers demanding among other items larger crews, better maintenance and time to inspect the trains.

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