

One year after East Palestine train derailment, not much has changed for local emergency responders

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Published: LNP | LancasterOnline

Feb. 20, 2024

About 135 miles of active rail lines weave through Lancaster County carrying rail cars that at any point could be filled with hazardous material such as vinyl chloride, the chemical at the center of a train derailment near the Pennsylvania-Ohio border last year.

On Feb. 3, 2023, a Norfolk Southern train derailed in East Palestine, Ohio, less than a quarter-mile from the Pennsylvania border, prompting the intentional release and burning of toxic vinyl chloride and the evacuation of more than a thousand residents.

In the aftermath of the derailment, state and federal lawmakers called for greater transparency from train companies, as testimony on Capitol Hill showed first responders were not immediately able to access information about the chemicals in the overturned rail cars.

But a year later, proposed legislative changes have yet to work their way into law, leaving local first responders at the mercy of private train companies to provide the information they need to safely perform their duties.

“It's frustrating, but unfortunately you get used to it,” said Duane Hagelgans, emergency management coordinator for Millersville Borough and Manor Township and a professor of emergency management at Millersville University.

An LNP | LancasterOnline investigation published in July showed first responders in Lancaster County rarely, if ever, receive advance

notice of trains carrying hazardous materials and that the lack of information could potentially put first responders at risk.

The status quo

Local emergency responders say nothing has changed for them in terms of how they would respond to a derailment in Lancaster County and the information they would have available to guide them in doing so.

Proposed legislation that would create databases of hazardous materials and require increased transparency on the part of train companies has stalled in Congress and the state Legislature.

Hagelgans said he has seen no additional training, transparency or outreach to local responders on the part of private train companies.

“If something were to happen today down along the rail line that we serve, nothing would be different than what we would have done a year ago,” Hagelgans said.

Freight trains currently carry a manifest, or inventory, that can be shared by the train’s engineer during an accident. If the engineer is injured or incapable of giving the information to emergency crews, then first responders must get the information directly from the train company.

In some cases, emergency responders can access hazardous material manifests through the AskRail app, which was developed in 2014 by the national railroad trade organization the Association of American Railroads and its member railroads, including Norfolk Southern.

There is no government requirement that railroads use it, and there is no government oversight of the app by agencies such as the Federal Railroad Administration. AAR and its member railroads operate the app without regulation.

Jay Barninger, emergency management coordinator for Columbia Borough, said he learned more about the AskRail App this year from Norfolk Southern.

The app is available only to verified first responders and in the past year AAR has been working to implement its use at emergency communications centers around the country, so if a responder calls a dispatcher and identifies a train, the dispatcher can pull the train's cargo information through the AskRail app.

Jessica Kahanek, a spokeswoman for AAR, said railroads contacted every emergency call center in the country about using the app, but Ann Weller, deputy director of Lancaster County-Wide Communications, said she was unfamiliar with the app and had not heard about it.

Kahanek confirmed that the app is not set up at the county dispatch level but is installed with the Pennsylvania Emergency Management Agency, which would help with major emergency situations such as a train derailment.

In late July, Norfolk Southern did bring the company's "safety train" — a specially outfitted train that includes classroom rail cars and different types of tanker cars — to Harrisburg for three days of training for first responders. The company, which owns rail lines in Lancaster County and across the state, designed the training to familiarize firefighters and other responders with the types of rail cars and other equipment they might encounter in an emergency situation.

Barninger, of Columbia, said he does not remember the train being in the region in recent history, and it gave local responders who were able to attend more information than they had a year ago.

Hagelgans said for firefighters, that type of training is valuable but often hard to attend, especially for volunteer firefighters who have other jobs. For that training to be successful, it would need to happen in every county with multiple offerings, he said.

“You can’t just have one training like that and expect people to show up and be trained,” Hagelgans said.

A Norfolk Southern representative said in August that prior to July 2023, the safety train was last in Harrisburg in 2021. The hands-on training has not been offered in Lancaster County since at least 2017, according to Norfolk Southern. The company said it had no information on how many training sessions it had offered in the area prior to 2017.

Randall Gockley, president of the Lancaster County Firemen’s Association, said he has not seen any additional transparency from train companies on his end.

The proposed policy changes

In the state Legislature, House Bill 1028 proposes creating a database of hazardous material traveling on state railways, and that information would be available to emergency management agencies. The bill passed the House 141-62 on June 5 and has been sitting with the Senate Consumer Protection and License Committee since June 6. Three Lancaster County Republicans voted against the bill: Reps. Keith Greiner, David Zimmerman and Tom Jones.

Sen. Ryan Aument, a West Hempfield Republican who sits on the Consumer Protection and License Committee, did not immediately respond to a request for comment about the status of the bill.

In Congress, Pennsylvania Sens. Bob Casey and John Fetterman and Ohio Sens. Sherrod Brown and Sen. Josh Hawley introduced a pair of bills in March 2023 that were combined into the Railway Safety Act.

The bill includes a proposal that would direct the secretary of transportation and the administrator of the Transportation

Security Administration to develop regulations requiring railroads to notify local emergency response groups, fire departments and law enforcement agencies when hazardous materials are moving through their communities.

It also would set up a fund, paid for by the companies that ship and carry hazardous materials, to provide emergency responders with financial resources to replace equipment, pay workers overtime and address other urgent costs. Most major railroads also would be required to operate with crews of at least two people, and fines for rail safety infractions would increase.

In May 2023, the Railway Safety Act advanced out of the Senate Committee on Commerce, Science and Transportation by a 16-11 vote. The act awaits a vote by the full Senate.

The U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration proposed a rule in June that would require all railroads to maintain and update accurate, real-time electronic information about hazardous shipments. The proposed rule would apply to every railroad that carries chemicals and would send electronic push alerts anytime there is a derailment or hazardous chemical release.

The proposal was open for public comment through October; it has not yet become a requirement.

Hagelgans said it is an unfortunate reality that the only time responders can get the attention of politicians to make a change is when a disaster happens.

"It may sound harsh or bad, but you have to kind of take advantage of a disaster if you're ever going to move forward with better systems and protection," Hagelgans said.

Lessons learned

Gockley, whose firemen's association represents more than 80 organizations and 750 members in the county, said emergency personnel still think about last year's derailment.

"Safe to say that East Palestine continues to be on the mind of first responders and in particular the firefighters," Gockley said.

"(Firefighters) certainly realize the dangers that could occur with any kind of chemicals, so it's a continuing awareness and concern."

One of the main takeaways from the East Palestine derailment is a greater understanding of the massive response force, including cooperation with state and federal agencies, required to contain such a situation, Gockley said.

Moreover, that response force must be maintained for a prolonged time, Hagelgans said, and in an area like Lancaster County, which relies heavily on volunteer firefighters, that would be difficult.

Hagelgans, Gockley and Barninger all said preparedness is key, and the more information responders have the better. If lawmakers succeed, that information should be forthcoming.

"Having done this for 40 years, a lot of times you get these promises and maybe you get some legislation, but at the end of the day, not too much changes," Hagelgans said.