

East Palestine: “We Basically Nuked a Town with Chemicals So We Could Get a Railroad Open”

Companies should never again be allowed to do what Norfolk Southern did to this Ohio community.

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In the immediate aftermath of Norfolk Southern’s train derailment in East Palestine in early February, reporters, first responders and officials seemed confused about exactly what chemicals were even in the train’s burning cars. Yet, right on cue, despite not knowing what effects the various chemicals could have within an explosive situation, the EPA reported that the surrounding air and water was safe to breathe and drink.

As more reports trickled out, we learned the train cars were carrying at least [five toxic chemicals](#): vinyl chloride, ethylene glycol monobutyl ether, butyl acrylate, ethylhexyl acrylate, and isobutylene.

According to government and scientific data, exposure to these chemicals can cause multiple forms of cancer and other serious health issues. But Norfolk Southern [failed to initially disclose](#) those chemicals as highly hazardous, and first responders — not to mention the public — had little idea what they were dealing with.

Three days after the derailment, on Feb. 6, we watched as Ohio Gov. Mike DeWine, in consultation with Norfolk Southern representatives, [greenlighted a plan](#) to blow holes in five of the cars containing toxic chemicals, which would lead to a “controlled release,” and residents in nearby communities were ordered to evacuate. This decision to release and burn off the chemicals was defended by public officials and Norfolk Southern as the “safest way” to handle the situation. The resulting fire’s black plume of smoke, ash and debris, created a toxic pall that hung over the communities for days. EPA tests found the air contaminated with phosgene, hydrogen chloride, VOCs (volatile organic compounds) and particulate matter.

We can’t turn back time, but we can change this disastrous system so no company can harm communities in this way ever again.

By Feb. 7, according to a Norfolk Southern [service alert](#), trains were running through East Palestine again. As thousands of dead fish floated in local waterways, as nearby residents were reporting sickness and dying pets, as untold long-term health and environmental problems lurked in the hazy future, the railroad chugged back to business as usual.

“We basically nuked a town with chemicals so we could get a railroad open,” said hazardous materials expert and retired Youngstown, Ohio Fire Chief [Sil Caggiano](#).

Norfolk Southern did not respond to a request for comment.

Every environmental disaster impacts us all, but this one struck closer to home for both of us: Chad lives an hour southeast of East Palestine and Tish an hour northwest. There’s a temptation to dismiss this tragedy as a one-off, unparalleled accident — but it’s not.

Rolling catastrophes like this derailment are all too familiar to us at the [Community Environmental Legal Defense Fund \(CELDF\)](#), which has been fighting for the rights of communities to protect themselves from this sort of corporate abuse for over 25 years.

As it unfolded, we felt like we were trapped in the movie *Groundhog Day*, watching in East Palestine the latest cycle in a never-ending replay of similar events we have observed year after year in hundreds of other communities across the nation.

Disasters like these keep happening because the system — the train — keeps rolling, exactly as it was designed to, foisting the consequences onto communities and their environments and hoarding the spoils for the economic elites, while government regulatory agencies issue permits and legalize it all.

Since this country’s founding, our system of government has placed profits and property interests over people and planet. The derailment in East Palestine illustrates this clearly. For over 150 years, railroad workers have been telling employers like Norfolk Southern and the government that their working conditions are deplorable and dangerous.

With deregulation of the industry in the 1980s, which included Wall Street mergers and “[short term profit imperatives](#),” trains have been getting longer and longer while the number of train workers gets smaller and smaller. Cost cutting by Norfolk Southern and other carriers has, according to Railroad Workers United, “eliminated many of the critical mechanical positions and locations necessary to guarantee protection against these kinds of failures.” Railroad corporations, meanwhile, continue to rake in piles of cash: In 2022, Norfolk Southern reported a record [\\$4.8 billion](#) in income. Compare that to the [\\$3.4 million](#) the company has offered to residents of East Palestine.

Governmental fines are laughable when compared to the corporation’s profits. In industries like these, it’s easier, and more profitable, to first act recklessly and ask for forgiveness later. For example, [regulators fined](#) oil and gas company Seneca Resources Corporation \$377,000 in 2013 for 59 violations at its Pennsylvania oil wells. That year, the company [reported revenues](#) of \$428 million.

And whatever the fines assessed or community payouts offered, the fallout from such corporate-made disasters is rarely contained. Both residents and nature continue to suffer the consequences for years and sometimes generations.

At his Feb. 6 [press conference](#) in East Palestine to inform the community and the media

about the controlled burn, Gov. DeWine showed a map of the area with two circles, one red and one orange. If you were in the red circle, you were told it was a matter of life and death that you leave. If you were in the orange circle, it was recommended that you leave. Most humans heard the message, but did anyone notify the birds, the fish, the animals and all other life in those areas?

The consequences for humans and nature of Norfolk Southern's disaster continue to sprawl far beyond those circles on the map. Over 2,980 tons of contaminated soil and 4.85 million gallons of contaminated water have already been removed from the site and sent to dumping grounds that will affect other communities somewhere else. Recently, the EPA ordered Norfolk Southern to stop removing contaminated soil due to increasing concerns from communities located near sites where the toxic waste was being dumped. Then, a few days later, [EPA announced](#) that the contaminated water and soil will be sent to four locations in Indiana, Ohio, Texas and Michigan, instructing us to trust their years of experience in handling toxic waste.

On Feb. 17, [Gov. DeWine spoke](#) about a plume of [butyl acrylate](#)—a chemical known to cause skin rashes and lung damage — that the derailment released into the Ohio River (already the most polluted river in the United States, according to the EPA). The plume has “completely dissipated,” DeWine said. “We do believe that there’s no reason to be concerned about water from the Ohio River and there’s never really been a reason to be concerned.” Even so, he noted, some municipal water systems will close off their intakes. The fish, birds, plants and other wildlife, however, have no valves to close.

There is, of course, still a lot we don't know, and we doubt we'll learn much more from the final government reports on the derailment.

As people develop illnesses and maybe even die, will anyone notice? Maybe in a decade or so courageous community activists will start to put the pieces together and fight for the government agencies to do studies to connect the dots. Maybe the area will be declared a “cancer cluster” or maybe a “superfund site,” of which we already have so many.

The railroad corporation is currently saying all the right things to try and diffuse the bad publicity. The corporate executives promise to “make this right,” and provide whatever it takes to make the community safe again, including monetary support. Lawyers and NGOs are also swooping into the community, picking at the debris with promises of class action lawsuits and big settlements. Lawsuits have already been filed, so there may be other information we receive, though likely years down the line. Many of those lawsuits, though, will also likely be settled, which means that evidence, depositions, and other information that comes out through court proceedings will likely be sealed.

These lawsuits and monetary reparations are essential, but no matter how much money is distributed in the end, Norfolk Southern has already done tremendous harm and the long-term consequences are difficult to assess. We can't turn back time, but we can change this disastrous system so that neither Norfolk Southern nor any other company can harm communities in this way ever again.

Maybe East Palestine will be just another story added to the long list of other government-permitted corporate homicides, which includes (among many, many others): [Love Canal](#) in Niagara Falls, New York; [Times Beach](#), Missouri; [Middlefield](#), Ohio; [Flint](#), Michigan; and the [Gulf Coast](#) of Louisiana.

As community rights and rights of nature activists and organizers, we hope not. We hope that instead the East Palestine derailment is remembered as the last straw — the moment we decided to collectively abandon this track and come together to lay a new one that makes people, communities, and nature its highest priority.

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[Chad Nicholson](#) is a Senior Staff member for the Community Environmental Legal Defense Fund (CELDF) and is based in Pennsylvania. Chad's work with Grant Township, Penn. has included assisting with drafting the first-in-the-nation rights-based local constitution, and the first law legalizing nonviolent direct action to protect rights. Chad has also appeared in a Rolling Stone article on Grant Township, as well as a recent documentary, Invisible Hand. In the last legislative session, Chad worked with members of the Pennsylvania House of Representatives to introduce an amendment to the Pennsylvania Constitution that would guarantee the right of local community self-government. With colleague Ben Price, Chad has co-authored the Pennsylvania Community Rights Cookbook, a 700-page volume on the history of people's movements, and the tragic rise of corporate power, in Pennsylvania. Chad began rights-based organizing in Spokane, Wash. in 2009.

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