
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 105 Session of
2023

INTRODUCED BY STEELE, MATZIE, KHAN, FRIEL, HADDOCK, MUNROE,
PROBST, T. DAVIS, MADDEN, KENYATTA, HILL-EVANS, PIELLI,
SANCHEZ, D. WILLIAMS, BENHAM, MARKOSEK, RABB, DELLOSO,
PARKER, KINSEY, MARSHALL, OTTEN, CONKLIN, CIRESI, KINKEAD,
VENKAT, SAMUELSON, GUENST, WAXMAN, DONAHUE, MAYES, FRANKEL,
KRAJEWSKI AND GREEN, MAY 10, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 10, 2023

A RESOLUTION

1 Urging the United States Environmental Protection Agency to re-
2 examine the United States Pipeline and Hazardous Materials
3 Safety Administration's hazardous materials regulations and
4 make any necessary changes that would help to provide better
5 protection to the public and the environment and urging the
6 United States Congress to pass the Decreasing Emergency
7 Railroad Accident Instances Locally (DERAIL) Act to provide
8 for the tightening of regulations for trains carrying
9 hazardous materials.

10 WHEREAS, On February 3, 2023, a catastrophic train derailment
11 near East Palestine, Ohio, caused toxic chemicals to be released
12 into the air, as well as local streams and waterways; and

13 WHEREAS, To further complicate the situation, serious
14 concerns regarding the possible failure of one of the tanker
15 cars led to the controlled release and burning of the chemical
16 vinyl chloride in five of the derailed train cars, which were
17 carrying 115,580 gallons of the flammable gas; and

18 WHEREAS, Vinyl chloride is a highly volatile, colorless gas
19 produced for commercial uses; and

1 WHEREAS, Several cars were also carrying ethyl acrylate and
2 isobutylene, which are considered to be highly toxic and
3 possibly carcinogenic, according to the Centers for Disease
4 Control and Prevention and the National Institutes of Health;
5 and

6 WHEREAS, Many residents of eastern Ohio and western
7 Pennsylvania are concerned about the possibility of long-term
8 health effects caused from the exposure to harmful substances;
9 and

10 WHEREAS, Residents have reported headaches, an increase in
11 anxiety, coughing, fatigue, tiredness and skin irritation, pain
12 and burning; and

13 WHEREAS, According to the National Cancer Institute, high
14 levels of vinyl chloride are associated with an increased risk
15 of several cancers, including brain, liver and lung cancer,
16 lymphoma and leukemia; and

17 WHEREAS, It has been determined that additional toxic
18 chemicals were aboard the derailed train, which were also
19 released into the air and soil; and

20 WHEREAS, These other toxic chemicals consisted of ethyl
21 acrylate, a colorless liquid and probable carcinogen; and

22 WHEREAS, According to the United States Environmental
23 Protection Agency, exposure to ethyl acrylate may cause
24 drowsiness, lethargy, headaches and nausea; and

25 WHEREAS, Isobutylene, a highly flammable gas known as a
26 simple asphyxiant, or a gas which can become so concentrated
27 that it can displace oxygen and lead to rapid suffocation, was
28 also released at the derailment site; and

29 WHEREAS, Norfolk Southern has publicly stated that it has
30 removed more than 1.5 million gallons of contaminated water from

1 the derailment site; and

2 WHEREAS, According to Governor Mike DeWine of Ohio,
3 approximately 2.7 million gallons of liquid waste and nearly
4 1,970 tons of solid waste has been removed from the derailment
5 site; and

6 WHEREAS, The wastewater and solid waste have been transported
7 to sites in Ohio, Michigan, Indiana and Texas for disposal; and

8 WHEREAS, Groundwater is very important as it is the most
9 abundant source of pristine freshwater available; and

10 WHEREAS, In some cases, groundwater cleanup is often lengthy,
11 in some cases lasting beyond 10 years, coming at a substantial
12 cost to taxpayers; and

13 WHEREAS, However, once contaminated, a groundwater source may
14 be damaged forever; and

15 WHEREAS, It has been estimated that more than 38,000 minnows
16 have died as a result of water contamination near the derailment
17 site; and

18 WHEREAS, It has been estimated that more than 5,500 other
19 aquatic organisms, including small fish, crayfish, amphibians,
20 and macroinvertebrates, have been killed as a result of water
21 contamination resulting from the derailment; and

22 WHEREAS, In 2015, the United States Pipeline and Hazardous
23 Materials Safety Administration issued a final rule to codify
24 hazardous materials regulations regarding high-hazard flammable
25 trains; and

26 WHEREAS, These regulations only pertained to trains carrying
27 crude oil and other liquid fuels; and

28 WHEREAS, Flammable gases such as vinyl chloride were excluded
29 from the regulations, in spite of the recommendation by the
30 National Transportation Safety Board (NTSB) that they be

1 included; and

2 WHEREAS, The NTSB recommended that trains hauling flammable
3 gases utilize electronically controlled pneumatic braking
4 systems, which studies have concluded are more reliable than
5 traditional air brakes, such as those used on the Norfolk
6 Southern train that derailed in East Palestine, Ohio; and

7 WHEREAS, Under the Decreasing Emergency Railroad Accident
8 Instances Locally (DERAIL) Act, Title 49 of the Code of Federal
9 Regulations would be amended to modify the definition of "high-
10 hazard flammable train" to mean a single train transporting one
11 or more loaded tank cars of a Class 3 flammable liquid or a
12 Class 2 flammable gas and other materials as deemed necessary
13 for safety purposes by the United States Secretary of
14 Transportation; and

15 WHEREAS, The DERAILED Act would also require a railroad carrier
16 involved in a train derailment to report, no later than 24 hours
17 after any train derailment involving a train carrying material
18 that is toxic by inhalation, to the National Response Center,
19 state officials, local officials and tribal governments all
20 material toxic by inhalation on the train; therefore be it

21 RESOLVED, That the House of Representatives of the
22 Commonwealth of Pennsylvania urge the United States
23 Environmental Protection Agency to re-examine the United States
24 Pipeline and Hazardous Materials Safety Administration's
25 hazardous materials regulations and make any necessary changes
26 that would help to provide better protection to the public and
27 the environment and urge the United States Congress to pass the
28 Decreasing Emergency Railroad Accident Instances Locally
29 (DERAIL) Act to provide for the tightening of regulations for
30 trains carrying hazardous materials; and be it further

1 RESOLVED, That copies of this resolution be transmitted to
2 all of the following:

3 (1) The President pro tempore of the United States
4 Senate.

5 (2) The Speaker of the United States House of
6 Representatives.

7 (3) Each member of the United States Congress from
8 Pennsylvania.