

United States Senate

WASHINGTON, DC 20510

Statement of Senator Sherrod Brown of Ohio
Before the Committee on Commerce, Science, & Transportation
March 22, 2023

I want to thank Governor DeWine and Misti Allison for joining us today. You both know too well the need for stronger rail safety.

This is Ms. Allison's second trip to Washington, DC on behalf of the East Palestine and she is here soon after the loss of her mother. Misti, thank you for speaking up during this difficult time. Our thoughts and prayers are with you and your family at the loss of your mother.

I also want to thank our Ohio witnesses on the second panel: Chief Chip Comstock of the Western Reserve Joint Fire District and Clyde Whitaker with SMART's Transportation Division that represents 3,000 railroad workers in our state.

Chief Comstock speaks clearly about the challenges our first responders in East Palestine have faced, and Mr. Whitaker is a constant advocate for safe working conditions on Ohio railroads.

As the nation now knows, East Palestine is a tightknit town in Columbiana County, Ohio, which once made 80 percent of the ceramics in this country, before those jobs – like so many in our state – moved overseas, so companies could pay workers less.

This town – and neighboring communities in Beaver County, Pennsylvania – are the kinds of places that are too often forgotten or exploited by corporate America.

Now, these Ohioans are worried about whether their water is safe to drink, whether the air is safe to breathe, whether their kids will get sick, and – of interest to the Committee I chair – what happens to the value of their homes.

We've heard Mr. Shaw say that Norfolk Southern is going to "make it right" in East Palestine and "do right" by the community. Senator Vance and I are going to make sure that East Palestine is not forgotten – not next week, not in two years, not ever.

Doing right by this community must include making sure more accidents don't happen. And that will only occur if we take clear, commonsense steps to make our railways safer.

Norfolk Southern followed the Wall Street business model: boost profits, and its stock price, by eliminating 38 percent of its workers over 10 years. Those profits were spent on stock buybacks that benefit executives instead of investing in its workers and investing in safety.

Cut costs to boost profits, the communities along their routes be damned.

For decades, the railroads have lobbied to undermine safety rules.

And they're still at it, even now even after what they've done to this Ohio town. Even with the eyes of the country on them.

Today you're going to hear arguments from Norfolk Southern and the rail industry's lobbying arm that they support the "intent of the bill" but that we don't need stronger rules.

The railroads are committed to safety, they say. They're making changes, they claim.

Mr. Jeffries's prepared testimony goes to great lengths to hide safety problems in his statistics.

Here's a statistic you won't hear: taking out grade crossings, the accident and incident rate for Class I railroads is higher in each of the past 4 years than in any year since 2008. A decade of progress has been wiped out.

Their trains are growing longer, heavier, and more dangerous.

So remember that when you hear about supposed, quote, "meaningfully improved safety."

We've also heard over the past month – and Mr. Jeffries will repeat today – that 99.9% of rail hazmat shipments reach their destination without releasing toxic waste.

I'd urge him to talk to Ohioans in East Palestine, like Ms. Allison, about how it feels to be in that point-one-percent. Ask her if she thinks that record is something to brag about.

Railroads refuse to support new rules for trains that carry dangerous hazardous materials, like the vinyl chloride that burned in Ohio.

They have cut the amount of time their carmen are given to inspect each railcar to less than a minute.

The railroads have also argued against increasing fines for safety violations. Of course.

In the most recent fiscal year available, Norfolk Southern had 579 violations in closed cases. They paid an average fine of less than \$3,300.

You heard that right – not \$30 million. Not \$3 million. Just over \$3,000.

The largest fine Norfolk Southern paid that year was just over \$25,000.

This company planned to spend \$3.4 billion on stock buybacks. A \$3,000 or \$25,000 fine is meaningless. It's not even a cost of doing business – it's a rounding error.

Finally, the railroads are fighting the most basic of all requirements: having two crew members in a train.

Trains are miles long. Railroads want just a single human being on these trains.

That is, frankly, crazy.

Earlier this month, Norfolk Southern issued a six-point plan of modest safety improvements.

We don't need a voluntary plan.

We need real safety rules. We need the Railway Safety Act.

Our bill is a commonsense, bipartisan plan. Senator Vance and I are both here today to urge the Committee to embrace the obvious need for safety reforms.

It shouldn't take a train derailment for elected officials to put partisanship aside and work together for the people we serve – not corporations like Norfolk Southern.