

United States Senate

WASHINGTON, DC 20510

April 3, 2023

Lawrence A. Tabak, D.D.S., Ph.D.
Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Rick Woychik, Ph.D.
Director
National Institute of Environmental Health Sciences
National Institutes of Health
Mail Drop B2-06
111 T.W. Alexander Drive
Research Triangle Park, NC 27709

Dear Acting Director Tabak and Director Woychik:

We write regarding the February 3, 2023, Norfolk Southern train derailment near the Ohio-Pennsylvania border in East Palestine, Ohio, which resulted in hazardous chemicals being released into the air, surface soils, and surface waters in East Palestine and surrounding communities in Ohio and Pennsylvania. We respectfully request an update on efforts underway to aid in the response to this man-made disaster, and we urge the National Institutes of Health (NIH) to help assess and mobilize existing assets and resources to respond to the community's biomedical research needs.

In our conversations with residents of East Palestine and its surrounding communities in Ohio and Pennsylvania, we repeatedly hear concerns about the potential impact of both acute and chronic exposure to the hazardous chemicals released in the train derailment. To help address the needs of our constituents and ensure a comprehensive investigation of the exposures and potential health impacts in the affected populations, we request that the National Institute of Environmental Health Sciences (NIEHS) assist the impacted communities in Ohio and Pennsylvania by helping conduct the needed health research investigations.

Additionally, in order to provide a robust review of the community concerns, exposures, and health implications, we request that NIEHS engage with the National Academies of Science, Engineering and Medicine (NASEM) as quickly as possible to evaluate the best approach to engage with affected communities and integrate their feedback into scientific opportunities to understand the short-term and long-term human health impacts of this crisis.

We understand that the NIH, and specifically the NIEHS, have already mobilized their Disaster Response Research (DR2) Program to provide support to the federal government's activities in response to the derailment. While we appreciate the coordination of the work that has already

been done, we request additional information on any steps that NIEHS has taken to begin research efforts in the communities affected by the Norfolk Southern train derailment and the plume that resulted from the subsequent spilling and burning of toxic chemicals. Specifically, we request additional information on immediate and short-term actions NIEHS is able to take to mobilize existing assets – including efforts to augment and supplement any existing grantees who are equipped to aid in an immediate research response – and deploy resources to respond to the biomedical research needs of the community. We also request that NIEHS strongly consider any recommendations identified by NASEM in their future planning. The considerations should speak to the following issues:

- Scientific methodologies to best assess the short- and long-term health impacts of this man-made disaster;
- Best practices for assessing human exposures and the associated health risks that can be applied to this crisis, possibly including geospatial analysis of the contaminated waterways and the plume, as well as an enumeration and census of the affected population;
- Co-creation of a research strategy with community partners to ensure robust community involvement in addressing their concerns;
- How to ensure residents can be provided with a return of results and a right to release biospecimens to testing laboratories for the purposes of, e.g., litigation; and
- Partner with other federal, state, and local entities at all stages.

NIEHS has played a critical role in the federal research on health impacts after environmental disasters in the past, from the BP Deepwater Horizon gulf oil spill to the asbestos vermiculite contamination resulting from a mine in Libby, Montana. While we realize that NIH itself does not provide medical monitoring and health care services, we are supportive of all efforts to work in partnership with local health care entities and link any research investigations with local health care services. We believe there may be a role for NIH grantees, potentially alongside other partners such as the Centers for Disease Control and Prevention, in collecting biospecimens to help establish a health baseline that helps residents understand any potential long-term adverse health outcomes, and we hope to understand NIH grantees' capabilities for such an effort. We also urge you to work to engage with NASEM as quickly as possible to ensure that crucial information is not lost to time. We appreciate that you already understand that time is of the essence in launching a critical investigation of the exposures and health impacts in the affected populations.

We would also note that NIH's costs in supporting these efforts may be response costs that the federal government can recover from Norfolk Southern under Section 106 of the Comprehensive Environment Response, Compensation, and Liability Act (CERCLA).¹

We appreciate your dedication in supporting the federal government's activities for the crisis in East Palestine in a timely manner, and respectfully request an update by Friday, April 14, 2023, on the past, ongoing, and future efforts led by NIEHS and its partners across the NIH. If there is anything we can do to help ensure NIEHS has the resources and support necessary, please do not

¹ 42 U.S.C. § 9607.

hesitate to ask. We stand ready to support your work protecting the public health. Thank you for your immediate attention to this matter.

Sincerely,



Sherrod Brown
United States Senator



JD Vance
United States Senator



Robert P. Casey, Jr.
United States Senator



John Fetterman
United States Senator

CC: The Honorable Xavier Becerra, Secretary, U.S. Department of Health and Human Services