DC Deep Dive: East Palestine Derailment. What happened and what's the long-term policy impact?

Mar 10, 2023

Categories:

Webinar/Video

Authors:

Jonathan S. Miller
Christopher S. Habel

CivicPoint DC Principal Jonathan Miller interviews Chris Habel, a hazardous materials and environmental law expert and Frost Brown Todd LLP Partner, to discuss the recent train derailment in East Palestine, OH.

Key takeaways:

- A train carrying regulated hazmat materials experienced bearing failure. Detectors and sensors notified the engineers that the bearings were overheating, and the engineers were in the process of stopping the train when the cars derailed. There were no fatalities or injuries, but a few of the cars that derailed contained vinyl chloride. These chemicals started to react, so they evacuated the area and vented and burned the chemicals to limit harm and minimize the potential for a catastrophic explosion. Burning chemicals can affect the environment, and there is expected fallout due to the chemicals that traveled into the air following the burn as well as chemicals entering the soil, streams, and other nearby water sources.

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons

- Regulations regarding hazardous materials and carriers are extremely complex. These regulations are important, but it's challenging to regulate for all possible scenarios. It is likely that agencies will take a closer look at the bearing detectors to ensure that they're picking up the appropriate information and sending notice to engineers in a timely manner. They may also review and reconsider the safest method for transmitting hazardous materials.
- As it relates potentially changing regulations, two things related to safety precautions and personnel will be likely reviewed:
    - Classification and Notification. Under the current regulations, the shipper has the obligation to notify the carrier of what this material is and therefore inform them of the hazardous potential as well as ensure there are hazardous material indicators on the shipping vessel.
    - Carrier Operation Requirements. It's possible that trains may be required to have two members of a train crew operating a train at all times. Of note, there were two operators on the train that derailed in Ohio.
- The Environmental Protection Agency (EPA) and local health and environmental agencies are already ahead of any potential long-term threat to public health and safety. There has been a lot of attention on various social media platforms and claims of contamination that don't necessarily align with groundwater flow patterns. Additionally, by the time any contaminated water would reach further away areas, it would be so diluted that it would no longer pose a threat to consumption. On the other hand, East Palestine is facing a risk of long-term exposure in and around the site. All air contamination has cleared and the National Transportation Safety Board (NTSB) has required the contaminated water be moated off and sucked out of the area. The EPA is ensuring that there are adequate resources to address the problem and the Ohio Department of Health has opened a medical clinic in the area with doctors on standby. These quick

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

situations tend to not be the type of situation that leads to long-term exposure and cancer-causing scenarios.

The content on this page was originally published by CivicPoint LLC, a former, now-closed subsidiary of Frost Brown Todd LLP, and may be outdated or no longer applicable. Please consult with Frost Brown Todd's Lobbying & Public Policy Practice Group for current, accurate information on the topics presented on this page.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons