

## Message

**From:** Durno, Mark [durno.mark@epa.gov]  
**Sent:** 9/15/2023 1:46:42 PM  
**To:** Unity Council for EP Train Derailment [unitycouncil2023@gmail.com]; Zsuzsa Gyenes [Ex. 6 Personal Privacy (PP)]  
**CC:** Utech, Dan [Utech.Dan@epa.gov]; Saucedo, Alfred [Saucedo.Alfred@epa.gov]; Jakob, Avivah [Jakob.Avivah@epa.gov]; Regan, Michael [Regan.Michael@epa.gov]; McCabe, Janet [McCabe.Janet@epa.gov]; Shore, Debra [Shore.Debra@epa.gov]; Ortiz, Adam [Ortiz.Adam@epa.gov]; Tejada, Matthew (he/him/his) [Tejada.Matthew@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Douchand, Larry [Douchand.Larry@epa.gov]; Ballotti, Doug [ballotti.douglas@epa.gov]; Leonard, Paul [leonard.paul@epa.gov]; Cope, Grant [Cope.Grant@epa.gov]; R5\_PIO [R5\_PIO@epa.gov]; EPA Press Office [Press@epa.gov]; Milbourn, Cathy [Milbourn.Cathy@epa.gov]; White, Terri-A [White.Terri-A@epa.gov]; Linduska, Rachel [Linduska.Rachel@epa.gov]; Brenda Mallory [Ex. 6 Personal Privacy (PP)]; Jessica.A.Ennis@ceq.eop.gov; Jonathan.y.black@ceq.eop.gov; Jami Wallace [Ex. 6 Personal Privacy (PP)]  
**Subject:** RE: East Palestine  
**Attachments:** EPA to RVO-UC 9-14-2023.pdf

We sent our response yesterday. Attached.

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**Mark Durno**

*Homeland Security Advisor*

U.S. EPA Region 5

25063 Center Ridge Road

Westlake, OH 44145

440-476-7988 (c)

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**From:** Unity Council for EP Train Derailment <unitycouncil2023@gmail.com>  
**Sent:** Friday, September 15, 2023 9:43 AM  
**To:** Zsuzsa Gyenes [Ex. 6 Personal Privacy (PP)]  
**Cc:** Utech, Dan <Utech.Dan@epa.gov>; Saucedo, Alfred <Saucedo.Alfred@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Regan, Michael <Regan.Michael@epa.gov>; McCabe, Janet <McCabe.Janet@epa.gov>; Shore, Debra <Shore.Debra@epa.gov>; Ortiz, Adam <Ortiz.Adam@epa.gov>; Tejada, Matthew (he/him/his) <Tejada.Matthew@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Douchand, Larry <Douchand.Larry@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Leonard, Paul <leonard.paul@epa.gov>; Cope, Grant <Cope.Grant@epa.gov>; R5\_PIO <R5\_PIO@epa.gov>; EPA Press Office <Press@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Linduska, Rachel <Linduska.Rachel@epa.gov>; Brenda Mallory [Ex. 6 Personal Privacy (PP)]; Jessica.A.Ennis@ceq.eop.gov; Jonathan.y.black@ceq.eop.gov; Jami Wallace [Ex. 6 Personal Privacy (PP)]  
**Subject:** Re: East Palestine

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Hi Avivah, Grant, and Mark,

I wanted to follow up on this.

We wanted to see when the EPA will be responding to the letter we sent to the EPA in late July regarding dioxin sampling and indoor air contamination? See our communications below.

Thank you.

Sincerely,

Jami Wallace, President

Unity Council for the East Palestine Train Derailment

On Thu, Aug 10, 2023 at 11:05 AM Zsuzsa Gyenes { Ex. 6 Personal Privacy (PP) } wrote:

Dear Administrator Regan, Deputy Administrator McCabe, Regional Administrator Shore, and Regional Administrator Ortiz:

We appreciate that the US Environmental Protection Agency (EPA) finally conducted soil sampling to test for dioxins in and around East Palestine, OH, and that the EPA responded to the follow-up questions our organizations submitted regarding the sampling questions and concerns detailed in our March 13, 2023, letter to you. This response was helpful, but it is not sufficient.

Following up on our communications, attached and copied below is a new letter to EPA summarizing our outstanding questions, concerns, and recommendations about sampling for dioxins as well as other contaminants of concern.

This letter was hand-delivered to EPA senior staff as well as members of Congress when myself and other members of the Unity Council were on the hill in DC two weeks ago.

**We would appreciate your prompt response to these questions and recommendations in writing, a number of which have remained unanswered for months now. We also request an in-person meeting with you in E. Palestine to discuss these critical issues.**

We look forward to your prompt response. Thank you.

Sincerely,

Zsuzsa Gyenes

Unity Council for the East Palestine Train Derailment

Michael Regan, EPA Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460 July 26, 2023

**RE: Dioxins and the East Palestine Train Derailment**

Dear Administrator Regan, Deputy Administrator McCabe, Regional Administrator Shore, and Regional Administrator Ortiz:

We appreciate that the US Environmental Protection Agency (EPA) finally conducted soil sampling to test for dioxins in and around East Palestine, OH, and that the EPA responded to the follow-up questions our organizations submitted regarding the sampling questions and concerns detailed in our March 13, 2023, letter to you. This response was helpful, but it is not sufficient.

It is clear that both the sampling that has been done thus far and the responses we received to our specific questions were limited in scope and do not go far enough in responding to the concerns raised by the community that is reflected in our original letter and in our follow-up questions that we sent on April 6th. As a result, many of our questions remain unanswered and we still have concerns about what needs to be done. Responding to these unanswered questions will help the community understand what EPA has done, what the agency plans to do in the future, help build trust and confidence in the integrity of the data, and the agency's plans for ongoing testing. We have the following recommendations:

## **EPA must lead the dioxin sampling, not Norfolk Southern**

EPA has stated that it conducted soil sampling with Norfolk Southern but has provided little detail on which entity was in charge of determining sampling locations, establishing sample collection protocols, and maintaining the integrity of samples. EPA should clarify how these decisions were made and who was in charge. Furthermore, if any additional sampling will occur, EPA itself should conduct it, not Norfolk Southern. Norfolk Southern has done a poor job building trust with the community, so to ensure adequate, unbiased, and scientifically sound testing that the public can trust, Norfolk Southern should not lead any additional testing. EPA's poor oversight of this process has only furthered this lack of public trust and confidence.

## **The dioxin sampling plan and results must be transparent and released for public input**

EPA has failed to seek public input on the dioxin sampling plan and build public trust and confidence in the results. It took more than 6 weeks for EPA to respond to our March 13, 2023 letter to Administrator Regan and even longer for the subsequent follow-up questions sent in April. Since sampling has already been conducted, it is too late for the input and involvement we suggested to build the public's trust and confidence in the testing. Furthermore, the results of the sampling have not been released to the public in a transparent, accessible, or easy-to-understand manner. This further erodes public trust in EPA's goals, data, and commitment to public health. To properly communicate this information to the community and instill confidence in the information, EPA must provide its sampling procedures and data in a more transparent and accessible manner.

## **The dioxin sampling plan must be comprehensive**

In its response to the community's previous list of questions, EPA did not commit to conducting all of the sampling we recommended. Because we still believe this sampling is appropriate, and because the community wants to know these answers for their safety, we want to reiterate our recommendations that the following sampling be conducted:

- In soil at homes, parks, schools, farms, and other locations in more communities downwind from the derailment and intentional burn, not just in the immediate vicinity of E. Palestine;
- Air filters at schools and homes
- In indoor dust and surfaces inside homes and other buildings downwind of the derailment and intentional burn;
- In farm animals, milk, and chicken eggs from farms that may be impacted by the derailment and intentional burn;
- In sediment, fish, salamanders (e.g., endangered Hellbender salamanders in OH), and other aquatic life including vegetation in areas that may have been impacted by the derailment and intentional burn; and
- In wildlife in the area, including birds and deer, which may be hunted in areas that may be impacted by the derailment and intentional burn.

## **Questions about dioxin testing that remain to be answered:**

The following questions about sampling locations, collection, measurement, and analysis must be answered to provide transparency and so that independent reviewers can evaluate the integrity of the data.

### **Sampling Locations**

- What are the specific sampling locations for each measurement?
- How were the sampling locations and the number of sampling locations chosen each day?
- Did EPA or Norfolk Southern choose sampling locations?
- If sampling locations were not chosen using the standard soil sampling methods, why not?

### **Sample Collection and Measurement**

- What were the sample collection procedures? How did EPA collect, package, and maintain samples for delivery to the lab?
- What lab did the analysis of the dioxin soil samples?
- Were field blanks collected and analyzed as part of the QA/QC procedures? If so, please provide a copy of the results.

### **Sample Analysis**

- Concentrations of every analyte were very high on 3/13 and 3/30 (and to a lesser extent 3/10). What were the sampling locations on these days and why were they orders of magnitude higher than most other measurements? What are EPA's plans for additional samples at and near these locations?
- Can you provide a copy of the Quality Assurance/Quality Control procedures and the results that were used with this sampling effort?

### **Follow-Up Sampling**

- What are the next steps for dioxin sampling in the immediate future and in the months ahead?
- Will EPA work with other independent researchers who have been sampling for dioxins, such as Scott Smith to test for dioxins in furnace filters, dust, soil, and other sources?

## **The need for indoor sampling for other contaminants of concern**

Finally, we remain very concerned with the lack of appropriate, adequate, and comprehensive testing of indoor air, especially for homes and buildings in the Sulphur Run area where vapor intrusion appears to be taking place. The EPA has done an inadequate job of investigating indoor air contamination. Independent research by Dr. Andrew Whelton's team at Purdue University has identified some chemicals of concern indoors at some buildings. **We strongly urge EPA to develop and implement a new program to test for contaminants of concern in indoor air, especially in homes near Sulphur Run and others where vapor intrusion may have or may still be occurring. Testing must be conducted with appropriate, sensitive equipment, that screen for even low-level detection for contaminants of concern.**

**We would appreciate your prompt response to these questions and recommendations in writing, a number of which have remained unanswered for months now. We also request an in-person meeting with you in E. Palestine to discuss these critical issues.**

Thank you. We look forward to your response.

Sincerely,

Jami Wallace, President  
Unity Council for the East Palestine Train Derailment

Daniel Winston, Co-Executive Director  
River Valley Organizing

CC: Janet McCabe, Deputy Administrator  
Debra Shore, EPA Region 5 Administrator  
Adam Ortiz, EPA Region 3 Administrator  
Brenda Mallory, Chair, White House Council on Environmental Quality  
Matthew Tejada, Director, EPA Office of Environmental Justice  
Barry Breen, Acting Assistant Administrator, EPA Office of Land and Emergency Management  
Anne Heard, Acting Deputy Assistant Administrator, EPA Office of Land and Emergency Management  
Larry Douchand, Director, Office of Superfund Remediation and Technology Innovation  
Doug Ballotti, Director, EPA Region 5 Superfund and Emergency Management Division  
Paul Leonard, Director, EPA Region 3 Superfund & Emergency Response Division  
Grant Cope, Senior Counselor to the Administrator, EPA  
Alfred Saucedo, Chief of Staff - Office of the Regional Administrator - EPA Region 5  
Mark Durno, Homeland Security Advisor, EPA Region 5  
Avivah Jakob, Director, Office of Public Engagement

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Thank you,

***Unity Council for the EP Train Derailment***

Community Oversight Board

East Palestine, OH 44413

(p) 330.314.4422 (e) [unitycouncil2023@gmail.com](mailto:unitycouncil2023@gmail.com)

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