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THE MAINE SENATE
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Testimony of Senator Richard A. Bennett

In Support of LD 1937, "An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies"
May 30, 2023

Senator Carney, Representative Moonen, and esteemed members of the Judiciary Committee, thank you for allowing me to voice my support for L D 1937, "An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies" of which I am a co-sponsor I am Senator Rick Bennett, and I have the honor of serving 14 communities in Western Maine in the State Senate

This bill repeals the public exception for records related to the transportation of hazardous materials by a railroad company

In early February of this year, we all watched in horror at what happened in East Palestine, Ohio At around 9 00 pm on Friday, February 3rd, 38 train cars derailed, including 11 that contained hazardous materials Despite the dangerous materials aboard, neither the State nor the public were notified that the train was going through because it had not been considered a "high hazardous material train "

First responders at the crash site found evidence that one of the train cars was releasing vinyl chloride Vinyl chloride is used to make the polyvinyl chloride hard plastic resin used in a variety of plastic products, including pipes, wires and packaging materials

On Sunday, February 5th, residents within a one-mile radius were order to evacuate One day later, officials issued evacuation orders to hundreds more residents near the Ohio-Pennsylvania state line, urgently warning any residents who had declined to leave to evacuate immediately Officials warned that a rail car was at risk of a potential explosion that could launch deadly shrapnel as far as a mile

Vinyl chloride was slowly released from five rail cars into a trough that was then ignited, creating a large plume above the village of East Palestine The photos are horrifying

On top of vinyl chloride, the 38 derailed train cars were carrying substances including butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate and isobutylene — all materials that are widely considered to be toxic and that have damaging effects to both humans and the environment

After about five days, residents were told they could return to their homes

East Palestine Fire Chief Keith Drabick said that air and water samples determined that the evacuation area, which covered about a one-mile radius, was safe for residents to return. But unsurprisingly, many residents did not believe that the area was safe again. Many former residents have said that they would never return.

On February 14th, Ohio's Department of Natural Resources estimated that 3,500 dead fish had been found in local streams, tributaries and waterways, accounting for at least 12 different species. A week later, the department updated those figures with an even grimmer toll: more than 43,700 animals had died within a 5-mile area of the crash.

By the end of the month, the train company, Norfolk Southern, said that thousands of pounds of soil and water had been removed from the site due to "substantial contamination."

Regarding the people of East Palestine, famous environmental attorney, Erin Brocovich, said, "They're worried, because they've got coughs and respiratory problems," she said. "There's so many unanswered questions, and they know this isn't the last of this conversation."

Somewhat similarly, in Maine, a train derailed about a month and a half ago, causing a forest fire in Rockwood, near Moosehead Lake—the largest body of freshwater in our state. Although there were hazardous materials onboard, the derailed freight train cars were only carrying lumber and wiring. We are very lucky that the cars carrying hazardous materials were not affected by the derailment and fire.

Try as we might, accidents will always be a part of life. Mainers should have access to this vital information. If, and when, another train derails, the Maine people need to know how to respond if their health and safety is at risk.