March 8, 2023

The Honorable Thomas Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
Washington, D.C. 20250

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Secretary Vilsack and Administrator Regan:

We write regarding the February 3, 2023, Norfolk Southern train derailment near the Ohio-Pennsylvania border in East Palestine, Ohio. As the emergency removal phase is ending and efforts are turning to long-term remediation, we are hearing from farmers and agricultural producers who are concerned about the impacts of the derailment and associated release of hazardous materials on their livelihoods.

The 2023 planting season is quickly approaching, followed by spring harvest of overwintered crops, such as alfalfa and winter wheat, that are typically sold as feed to dairies in the region. As these farmers prepare for planting and marketing efforts, they are left wondering what impacts the derailment and chemical release will have on the safety of their products and the viability of their farms. At this point in time, neither the U.S. Department of Agriculture nor the U.S. Environmental Protection Agency – or any other federal or state agencies have provided clear guidance to either our agricultural producers in the region or consumers of those products. Producers are concerned not only over the lack information about the safety of their crops and livestock but also whether they will be able to market them due to market and consumer concerns about the safety of their products. Farmers in the region are already reporting receiving requests to cancel orders due to these very concerns.

Farmers and food producers around East Palestine and Darlington Township need assistance in responding to this man-made disaster. We urge you to work with the Ohio Department of Agriculture, the Pennsylvania Department of Agriculture, the Ohio State University Extension, and the Penn State University Extension to begin quickly deploying resources to the region to help farmers conduct any necessary testing of their soils, plant tissue, and livestock and to interpret the results of those tests as they pertain to the safety and marketability of their crops and products.

Regardless of the results of any testing and guidance on the safety of crops and products there are those consumers that will still be apprehensive or refuse to purchase agricultural products
from the region due to fear of contamination from the incident. As such we ask that you begin reviewing what authorities in terms of disaster assistance that could be deployed to address the situation. We also request technical assistance regarding changes that would need to be made to disaster programs in the next farm bill that would expand assistance to producers who have been impacted by man-made disasters, including chemicals spills.

Sincerely,

Sherrod Brown
United States Senator

Robert P. Casey, Jr.
United States Senator

John Fetterman
United States Senator