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Federal Filing First to Include Pennsylvania Residents Following Toxic Tanker-Train Derailment, Explosion Along Ohio Border

Grant & Eisenhofer includes class-action claim for intensive medical monitoring

Youngstown, OH (February 10, 2023) – The latest federal lawsuit filed following the Feb. 3 toxic train derailment and explosion is the first to include Pennsylvanians (individuals and businesses) as plaintiffs; it also includes claims against freight operator Norfolk Southern and other defendants to fund court-supervised medical screenings for serious illnesses that may be caused in the future by the mushroom cloud of carcinogenic vinyl chloride that spewed into the air and leached into the ground and water over a 30-mile radius. The two named individual plaintiffs, who live and farm in New Galilee, Beaver County, are all within five miles of the derailment in East Palestine, Ohio, according to their team of nationally recognized environmental-toxic tort litigators, headed by [Grant & Eisenhofer, P.A.](#), and joined by Pittsburgh-based [Edgar Snyder & Associates](#) and the Cincinnati office of [Burg Simpson Eldredge Hersh & Hardine, P.C.](#)

The complaint (Erdos, et al. v. NSC et al. 4:23cv-00268), filed in U.S. District Court for the Northern District of Ohio Eastern Division, aims to hold the defendants accountable for their alleged negligent actions, or inactions, that resulted in not only the foreseeable and preventable derailment of the tanker cars, but the harmful effects of the subsequent “controlled release” of upwards of one-million pounds of vinyl chloride, and other toxic chemicals, including phosgene, butyl acetate and benzene residue into the environment. “Prolonged exposure to these toxins can result in organ damage and various cancers,” according to scientists, including the U.S. Environmental Protection Agency (EPA), and the complaint. Besides defendant Norfolk Southern Corporation (NSC:NYSE), the complaint names its affiliate Norfolk Southern Railway Company, and expects to add other defendants as pre-trial discovery progresses.



The two plaintiffs, Andrew Erdos, 32, and David Anderson, 58, are representative of all prospective class members who were either forced to evacuate the area, or shelter-in-place, and suffered increased risk of life-threatening illness, including cancers and organ damage, from exposure to and inhalation of toxic chemicals and contamination to their properties. Numerous Ohio and Pennsylvania residents in the 30-mile radius of the derailment and explosion have reported incident-related health conditions, including headaches, numbness, and nausea. Others within the proposed “Class Zone” have reported the death of fish, poultry, livestock, and other wildlife as the mushroom cloud covered the area in a thick coating of toxic soot.

Mr. Anderson, a former air-traffic controller with a commercial pilot certification, raises beef cattle on the family’s farm and also owns plaintiff Valley View MHP LLC, a mobile home park. The business is representative of other impacted enterprises that have “suffered a loss of business income and goodwill ... having been contaminated by egregiously high and plainly dangerous levels of toxic chemicals dispersed by Defendants into the air and water.”

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He said following the filing, “As a career air-traffic controller, I knew full well that transportation safety was always our top priority, and that profit was secondary to the welfare of our passengers and co-workers. A railroad passenger, or freight, is no different; rail cars, especially those loaded with hazardous chemicals, do not derail and trigger a multi-state public health crisis if the operator is focused on equipment maintenance and safety first. We are part of this lawsuit because it is vital that all the facts about events leading up to the derailment and explosion are presented in a court of law. What happened must never happen again.”

(Photos: Mushroom Cloud/D. Anderson “fallout” handprint, David Anderson)

Attorney [M. Elizabeth Graham](#), of G&E, explained the timing of the filing, “Justice, and answers, cannot come soon enough for the lead plaintiffs and all those to follow who also face potentially life-threatening consequences as a result of gross negligence on the part of the defendants. As noted in the complaint, their abysmal safety record – putting profits before safety in their operations – point to this incident as a large-scale accident just waiting to happen; it was only a matter of time and place, and the place just happened to be in Ohio within a few miles of the Pennsylvania border.”

Ms. Graham’s co-counsel, Seth Katz of Burg Simpson, added that the complaint highlights how NSRC is leading all competitors in total derailments in Ohio from 2019 through 2022, and held the same dubious distinction in Pennsylvania. “They knew or should have known how to operate safely, including rail cars carrying highly toxic chemicals. Instead, they’ve consistently either ignored or compromised safety and knowingly operated unsafe equipment that was poorly maintained and susceptible to catastrophic failure.”

Grant & Eisenhofer and Burg Simpson have extensive experience over decades representing in state and federal courts individuals and entities that have suffered devastating injuries and massive property destruction resulting from various forms of intentional, reckless corporate and operational misconduct. They were previously class counsel for the residents and businesses of the Merrimack Valley, Massachusetts, who were displaced when a series of gas explosions in September 2018 prompted mass evacuations and resulted in a historic \$143 million class action settlement with Columbia Gas of Massachusetts.

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