

Robert Wood

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE ) CASE NO.  
TRAIN DERAILMENT ) 4:23-CV-00242-BYP  
 ) JUDGE BENITA Y. PEARSON

MONDAY, DECEMBER 11, 2023

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

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Videotaped deposition of Robert C.  
Wood, held at the offices of Kilpatrick  
Townsend & Stockton LLP, 1100 Peachtree  
Street NE, Suite 2800, Atlanta, Georgia,  
commencing at 9:03 a.m. Eastern, on the above  
date, before Carrie A. Campbell, Registered  
Diplomate Reporter, Certified Realtime  
Reporter, Illinois, California & Texas  
Certified Shorthand Reporter, Missouri,  
Kansas, Louisiana & New Jersey Certified  
Court Reporter.

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Robert Wood

1 VIDEOPHOTOGRAPHER: We are now on  
2 the record. My name is Josh Coleman.  
3 I'm the videographer for Golkow  
4 Litigation Services.

5 Today's date is December 11,  
6 2023, and the time is approximately  
7 9:03 a.m. Eastern Time.

8 This videotaped deposition is  
9 being held in Atlanta, Georgia, in the  
10 matter of In Re: East Palestine Train  
11 Derailment.

12 The deponent is Robert Wood.

13 Counsel be will be noted on the  
14 stenographic record.

15 The court reporter is Carrie  
16 Campbell, who will now swear in the  
17 witness.

18  
19 ROBERT C. WOOD,  
20 of lawful age, having been first duly sworn  
21 to tell the truth, the whole truth and  
22 nothing but the truth, deposes and says on  
23 behalf of the Plaintiffs, as follows:

24 /

25 /



Robert Wood

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. BUCHANAN:

3 Q. Mr. Wood, could you again state  
4 your full name for the record, please?

5 A. Robert Wood.

6 Q. Okay. And what's your home  
7 address, sir?

8 A. [REDACTED]  
9 [REDACTED]

10 Q. Okay. I understand you work  
11 for Norfolk Southern.

12 Is that right?

13 A. That's correct.

14 Q. And you had some role and  
15 involvement in the derailment of Train 32N or  
16 at least the response to the derailment?

17 MS. PETTY: Objection.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Withdrawn.

20 You had some role and  
21 involvement in Norfolk Southern's response to  
22 the derailment of Train 32N in East  
23 Palestine, Ohio.

24 Is that right, sir?

25 A. That's correct.

1           Q.       All right. My name's Dave  
2 Buchanan. I represent, you know, folks in  
3 East Palestine and elsewhere that have been  
4 impacted by that derailment.

5                   I take it you're not surprised  
6 to find yourself in that chair today.

7                   Are you, sir?

8                   MS. PETTY: Objection.

9                   THE WITNESS: I knew lawsuits  
10 had been filed.

11       QUESTIONS BY MR. BUCHANAN:

12           Q.       You understand people have been  
13 impacted by the events of February 3rd and  
14 thereafter.

15                   Correct?

16                   MS. PETTY: Objection.

17                   Foundation.

18                   THE WITNESS: There had been  
19 people displaced as a result of the  
20 derailment. I do know that.

21       QUESTIONS BY MR. BUCHANAN:

22           Q.       Pretty significant event.

23                   Fair to say?

24                   MS. PETTY: Objection.

25                   THE WITNESS: Yes, it was a

1 large derailment.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. Been deposed before?

4 A. Yes.

5 Q. Similar situations like this,  
6 derailments, 17 HAZMAT cars, fires, pool  
7 fires hundreds of yards in length, vent and  
8 burns? Been deposed in cases like that  
9 before, sir?

10 MS. PETTY: Objection.

11 THE WITNESS: I have been  
12 deposed in a derailment case.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. How many vent and burns of  
15 vinyl chloride have you run across in your  
16 career, sir?

17 A. None personally before East  
18 Palestine.

19 Q. How many vent and burns of  
20 vinyl chloride had Norfolk Southern been  
21 involved in addressing prior to the events of  
22 February 3rd and thereafter?

23 MS. PETTY: Objection.

24 You can answer, if you know.

25 THE WITNESS: To my knowledge,

1 Norfolk Southern has never had to  
2 perform a vent and burn on any  
3 incident.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. So I guess the answer to my  
6 question would be they've never had to do a  
7 vent and burn with regard to vinyl chloride  
8 monomer before.

9 Right?

10 MR. FUKUMURA: Objection.

11 Asked and answered. Foundation.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. You can answer.

14 A. To my knowledge, they have  
15 never had to conduct a vent and burn on any  
16 car.

17 Q. At the time of the derailment,  
18 sir, you were the systems manager for  
19 hazardous materials at Norfolk Southern.

20 Is that right?

21 A. That's correct.

22 Q. You had that role since 2019?

23 A. Yes.

24 Q. And before that, am I right you  
25 were a hazard -- hazardous compliance officer

1 at Norfolk Southern?

2 A. That's correct.

3 Q. From about 2012 to 2019?

4 A. That's correct.

5 Q. Okay. Now if I understand it  
6 correctly, in May of 2023 you received a  
7 promotion.

8 Is that right?

9 A. That's correct.

10 Q. And you're now the director of  
11 hazardous materials?

12 A. That is correct.

13 Q. And you're responsible for  
14 emergency response and preparedness.

15 Is that right?

16 A. I manage the Norfolk Southern  
17 emergency response and preparedness program.

18 Q. That was true as of the time of  
19 the derailment of Train 32N in East  
20 Palestine?

21 MS. PETTY: Objection.

22 THE WITNESS: That was true.

23 That was one of my duties at the time.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Am I correct, sir, you managed

1 at that point in time a team of, what is it,  
2 eight regional managers and HAZMAT managers?

3 A. At that time it was a team of  
4 two regional managers, and the rest were  
5 HAZMAT managers.

6 Q. And you reported to an  
7 individual named David Schoendorfer.

8 Is that right?

9 A. That is correct.

10 Q. As of that point in time?

11 A. That's correct.

12 Q. He was the director of  
13 environmental for Norfolk Southern.

14 Is that correct?

15 A. That is correct.

16 Q. You no longer report to  
17 Mr. Schoendorfer?

18 A. Mr. Schoendorfer has retired.

19 Q. Do you know when he was asked  
20 to retire --

21 MS. PETTY: Objection.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. -- following the derailment of  
24 Train 32N, sir?

25 MS. PETTY: Objection. Lack of

1 foundation. Assumes facts.

2 THE WITNESS: I don't know why  
3 Mr. Schoendorfer retired.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. You weren't aware that he was  
6 asked to retire?

7 MS. PETTY: Objection.  
8 Foundation.

9 THE WITNESS: I was not.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Did he have some role and  
12 involvement, sir, in East Palestine?

13 MS. PETTY: Objection. Vague.

14 THE WITNESS: Yes. He was  
15 involved in the response to East  
16 Palestine. He served as incident  
17 commander at one point for Norfolk  
18 Southern.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. At what point in time?

21 A. He was -- if I can remember  
22 correctly, he was there, I think, on the 6th,  
23 and then when he -- when he departed from the  
24 site, I can't -- I can't remember.

25 Q. Okay. So from Norfolk

1 Southern's perspective, he was the incident  
2 commander from the 6th until the time of his  
3 departure from the scene?

4 A. He was the incident commander  
5 for Norfolk Southern for the site starting --  
6 it wouldn't have been on the 6th because Dave  
7 Gooden was still the incident command rep for  
8 Norfolk Southern at the time.

9 Q. All right. Why don't we --  
10 we'll get into some greater detail on all  
11 this as we go, but since we're on it now, who  
12 was the incident commander for Norfolk  
13 Southern on site on February 3rd, that  
14 Friday, if anyone?

15 A. Kraig Barner and Dave Gooden  
16 were both there, I believe.

17 Q. And who had that role or  
18 function or title, sir?

19 MS. PETTY: Objection.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Of incident commander for  
22 Norfolk Southern.

23 A. For Norfolk Southern, it would  
24 have been Kraig Barner when he got there.

25 Q. And was there another incident



1 commander for Norfolk Southern between that  
2 Friday and Monday when Mr. Schoendorfer  
3 became Norfolk Southern's incident commander  
4 at the site?

5 A. I don't recall the date  
6 Mr. Schoendorfer took over incident command  
7 responsibilities. I don't believe it was the  
8 6th. He was there, but so was Mr. Barner.

9 Q. Okay. And so as best you  
10 recall, sir, Mr. Barner, excuse me, was the  
11 incident commander for Norfolk Southern from  
12 the 3rd until a point in time when  
13 Mr. Schoendorfer became the incident  
14 commander for Norfolk Southern at the site.

15 Is that right?

16 A. At some point in time it would  
17 have been himself or Dave Gooden.

18 Q. What's the sequence as you  
19 remember it, sir, between those three  
20 individuals?

21 A. I do not know whether Dave  
22 Gooden or Kraig Barner arrived on the scene  
23 first on the 3rd. Whichever one arrived  
24 first, they would have been the senior  
25 transportation officer who would have been

1 the incident commander for Norfolk Southern's  
2 portion.

3 Q. Okay. And then that person  
4 would have stayed in that role until a  
5 transition to Mr. Schoendorfer?

6 MS. PETTY: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Just trying to understand, sir.

9 A. There would have been a senior  
10 transportation officer serving as incident  
11 commander. I believe Dave Gooden would have  
12 been who passed it on to Mr. Schoendorfer. I  
13 believe.

14 Q. Okay. There's been a number of  
15 folks who have testified in the last several  
16 weeks relating -- in the litigation setting,  
17 sir, relating to this particular derailment.

18 You're aware of that?

19 A. Yes.

20 Q. Have you had communications  
21 with any of them about their testimony, sir?

22 A. No.

23 Q. Have you had communications  
24 with anyone about your testimony today?

25 MS. PETTY: Objection.

1                   You can answer to the extent it  
2                   doesn't require you to disclose any  
3                   communications with counsel.

4                   MR. BUCHANAN: I don't care  
5                   about the content if you were speaking  
6                   to counsel, but I do want to know  
7                   whether you were or were not.

8                   THE WITNESS: Yes, I have  
9                   spoken with NS counsel.

10                  QUESTIONS BY MR. BUCHANAN:

11                  Q.       Anybody other than NS counsel,  
12                  sir?

13                  A.       NS's outside counsel and my  
14                  counsel.

15                  Q.       How about folks who were  
16                  involved in the aftermath of the derailment -  
17                  Norfolk Southern's response, its contractors,  
18                  et cetera?

19                  MS. PETTY: Objection.

20                  QUESTIONS BY MR. BUCHANAN:

21                  Q.       Have you spoken to any of them?

22                  MS. PETTY: Objection to the  
23                  form.

24                  THE WITNESS: Not with regard  
25                  to any deposition.

1                   We have day-to-day work that  
2                   we're still doing on site that I talk  
3                   with contractors.

4       QUESTIONS BY MR. BUCHANAN:

5               Q.       We talked briefly about you  
6       ultimately arrive on scene in East Palestine.

7                   Correct, sir?

8               A.       I arrived on site Saturday, the  
9       4th.

10              Q.       And you're involved, obviously,  
11       with a lot of the activities that happen over  
12       the period of time after you arrive.

13                   Fair, sir?

14                   MS. PETTY:  Objection.

15                   THE WITNESS:  I was part of  
16       operations going on at the site.

17       QUESTIONS BY MR. BUCHANAN:

18              Q.       You were part of operations --  
19       I'm sorry, I missed that word.

20              A.       Emergency response operations  
21       on the site with our contractors.

22              Q.       Understood.

23                   There was a vent and burn that  
24       was conducted on February 6th.

25                   Do you recall that?

1 A. Yes.

2 Q. You said first time you'd ever  
3 been a part of a vent and burn operation.

4 Right?

5 A. That's correct.

6 Q. First time Norfolk Southern had  
7 ever been a part of a vent and burn operation  
8 with vinyl chloride.

9 Right?

10 MS. PETTY: Objection. Asked  
11 and answered.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. You can answer.

14 A. That was the -- again, to my  
15 knowledge, that was the first vent and burn  
16 that Norfolk Southern had ever had to  
17 conduct.

18 Q. On anything?

19 A. On anything.

20 Q. You provided an interview to  
21 the NTSB on February 8th.

22 Do you recall that, sir?

23 A. I don't remember the date, but  
24 I know I provided an interview.

25 (Wood Exhibit 1 marked for

1 identification.)

2 QUESTIONS BY MR. BUCHANAN:

3 Q. Passing you what we'll mark as  
4 Exhibit 1 to your deposition, sir.

5 Exhibit 1, sir, comes to us out  
6 of some public materials from the NTSB. It  
7 says, "Group G, Exhibit 4, Interview  
8 Transcript, Robert Wood, Systems Manager of  
9 Hazardous Materials, Norfolk Southern  
10 Railway, February 8, 2023."

11 Do you see that, sir?

12 A. Yes.

13 Q. You recall providing that  
14 interview, sir?

15 A. Yes.

16 Q. It was transcribed.

17 Do you see that typed up?

18 A. Yes.

19 Q. You had a chance to read it, I  
20 guess, after it happened?

21 A. I did review it, yes.

22 Q. In providing that statement to  
23 the NTSB, sir, I take it you tried to be  
24 truthful and accurate?

25 A. Yes.

1 Q. Provide accurate responses to  
2 whatever you were asked.

3 Fair?

4 MS. PETTY: Objection.

5 THE WITNESS: Yes.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Did you have a chance to  
8 supplement or correct this?

9 MS. PETTY: Objection to the  
10 form.

11 THE WITNESS: I don't know that  
12 I -- we made some -- when I got the  
13 first review of this, there were some  
14 typos in it that were corrected.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Apart from that, sir, no  
17 substantive changes that you made?

18 A. No.

19 Q. And the NTSB in this interview,  
20 sir, asked you that if you had any other  
21 information that came to you after the  
22 interview to please come back and provide  
23 that.

24 Correct?

25 A. If that's in here, then, yes.

1           Q.       To the best of your knowledge,  
2       sir, you certainly didn't formally provide  
3       any further information on this interview  
4       back to the NTSB.

5                    Correct?

6                    MS. PETTY:  Objection.

7                    MR. FUKUMURA:  Objection.

8                    THE WITNESS:  I did not.

9       QUESTIONS BY MR. BUCHANAN:

10           Q.       You also provided testimony in  
11       a hearing that was conducted.

12                    Right?

13           A.       That is correct.

14           Q.       Sworn testimony before the NTSB  
15       panel?

16           A.       That is correct.

17           Q.       June 22, 2023.

18                    Is that right?

19           A.       I believe that is correct.

20           Q.       Okay.  It also was transcribed.

21                    Correct, sir?

22           A.       Yes.

23                    (Wood Exhibit 2 marked for  
24       identification.)

25



1 QUESTIONS BY MR. BUCHANAN:

2 Q. Passing you, sir, what we're  
3 marking as Exhibit 2.

4 This says, "Transcript of  
5 Investigative Hearing Day 1, June 22, 2023,  
6 February 3 Case, February 3, Norfolk Southern  
7 Railway Derailment in East Palestine, Ohio."

8 Do you see that, sir?

9 A. Yes.

10 Q. You provided sworn testimony to  
11 that panel on that day this past June.

12 Correct, sir?

13 A. Yes.

14 Q. Tried to be truthful and  
15 accurate when you were doing so?

16 A. Yes.

17 Q. I expect we'll have a chance to  
18 look at some of that today. You can set it  
19 aside for now.

20 Before we get into this, sir,  
21 in more detail, talking about the derailment,  
22 I'd like to talk about the train.

23 Did you have any role or  
24 involvement with regard to this train and  
25 this manifest or consist prior to learning of

1 its derailment on February 3, 2023?

2 A. No.

3 MS. PETTY: Objection.

4 Just remember to pause and give  
5 me time to object.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. It was a big train.

8 Right?

9 MS. PETTY: Objection.

10 MR. FUKUMURA: Objection.

11 THE WITNESS: Offhand, I don't  
12 remember the number of railcars in the  
13 train offhand. I'd have to go back  
14 and refer to the wheel report.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. More than 9,000 feet long?

17 MS. PETTY: Objection.

18 THE WITNESS: I do not know.

19 (Wood Exhibit 3 marked for  
20 identification.)

21 QUESTIONS BY MR. BUCHANAN:

22 Q. All right. Sir, we're looking  
23 at a Hazardous Materials Group Chair's  
24 Factual Report.

25 Do you see that?

1 A. Yes.

2 Q. It says, "Group B, Exhibit 10."

3 Do you see that?

4 A. Yes.

5 Q. "Agency, NTSB."

6 Right?

7 A. Yes.

8 Q. You've seen this before.

9 Right?

10 A. I'm sure I have. Don't recall  
11 it, but I'm sure I have.

12 Q. Okay. It's got your name  
13 listed on the -- if we go -- the top right  
14 corner has numbers.

15 Do you see those .6, .7, top  
16 right corner?

17 A. Yes.

18 Q. Okay. If you go to .6, it  
19 says, "Hazardous materials group, an  
20 accident, East Palestine, Ohio."

21 A. Yes.

22 Q. Okay. That's the accident  
23 we're talking about, right, that derailment  
24 in East Palestine, Ohio, February 3, 2023?

25 A. Yes.

Robert Wood

1 Q. Norfolk Southern Railroad,  
2 mixed freight, hazardous materials group.  
3 And it says down at the -- I guess two-thirds  
4 down, "Robert Wood."

5 Do you see that, as group  
6 member?

7 A. Yes.

8 Q. Okay. You've seen this before.  
9 Right?

10 MS. PETTY: Objection.

11 MR. FUKUMURA: Objection.

12 THE WITNESS: I may have. I  
13 don't recall, but I probably have.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. Okay. Let's see if we can  
16 refresh on it then, or at least the facts  
17 that are reflected in it.

18 Let's go to .7, sir.

19 There's a description of --  
20 there's a description of Train 32N under the  
21 heading "Factual Information. Train  
22 Information."

23 Do you see that?

24 A. Yes.

25 Q. It says this Train 32N --

Robert Wood

1       that's the one that derailed.

2                       Right?

3           A.       Yes.

4           Q.       It originated in Illinois.

5                       Is that right?

6           A.       I believe that's correct.

7           Q.       And it was destined for

8       Pennsylvania?

9           A.       Yes.

10          Q.       In fact, it derailed, what,  
11       about a mile from the Pennsylvania border?

12          A.       Yes, it was very close. I'm  
13       not sure the exact distance.

14          Q.       Okay. It says, "The train  
15       contained 140 loaded railcars, nine empties,  
16       was 9,309 feet long."

17                       Do you see that?

18          A.       Yes.

19          Q.       And weighed, what, about  
20       18,000 tons?

21          A.       Yes.

22          Q.       There were 17 loaded hazardous  
23       material tank cars.

24                       Right?

25                       MS. PETTY: Objection.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Do you see that there?

3 A. Yes. I'm trying to remember.

4 I don't remember 17 in the train. I thought  
5 there were 11.

6 Q. This reflects the train consist  
7 included 17 hazardous materials tank cars,  
8 and three cars contained hazardous  
9 materials -- I'm sorry, and three placarded  
10 empty/residue hazardous materials tank cars.

11 Do you see that?

12 A. Yes, I see that. I don't  
13 recall the 17 number.

14 Q. Okay. We can -- oh, you see  
15 that reference there to 9,309 feet long?

16 A. I see that, yes.

17 Q. Okay. The train was longer  
18 than the distance from Pennsylvania where it  
19 derailed.

20 Right?

21 MS. PETTY: Objection.

22 THE WITNESS: Again, I don't  
23 remember exactly how far we were from  
24 PA.

25

1       QUESTIONS BY MR. BUCHANAN:

2               Q.       Okay. And a train has a  
3       consist.

4               Is that right?

5               A.       Yes.

6               Q.       And what's a consist, sir?

7               A.       Consist or wheel report is a  
8       document showing the standing order of a  
9       train.

10              Q.       What's on it?

11              A.       Correct.

12              MS. PETTY: Objection.

13       QUESTIONS BY MR. BUCHANAN:

14              Q.       What it's carrying or hauling?

15              A.       Yes.

16              Q.       Let's take a look at the next  
17       page. There's a summary of the contents.

18              You see that?

19              A.       Yes.

20              Q.       Train 32N derailed railcar  
21       description.

22              I guess this isn't the full  
23       consist; this is just the derailed cars.

24              Right, sir?

25              MS. PETTY: Objection.

1 THE WITNESS: Yes.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. I mean, you've seen lists like  
4 this before.

5 Right, sir?

6 A. Yes.

7 Q. Concerning Train 32N.

8 Right?

9 A. Yes.

10 Q. Okay. It's -- there's a  
11 description here of hazard class and  
12 hazardous materials.

13 Sir, what are hazardous  
14 materials? Does that have a definition in  
15 your field, sir?

16 MS. PETTY: Objection to the  
17 form.

18 THE WITNESS: Hazardous  
19 materials in transportation are any  
20 materials that fall under what DOT  
21 determines is any one of the nine  
22 hazard classes that proposes a hazard  
23 in transportation.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. And they're, in fact, materials



1       that pose an unreasonable risk to the health  
2       and safety -- to health and safety or  
3       property.

4                       Right, sir?

5                       MS. PETTY:  Objection.

6                       THE WITNESS:  If they're not  
7       kept in their container, yes.

8       QUESTIONS BY MR. BUCHANAN:

9               Q.       You understand that definition  
10      of that regulatory framework for hazardous  
11      materials, sir?

12             A.       Yes.

13             Q.       Okay.  And the secretary  
14      identifies materials into various hazard  
15      classes.

16                     Fair?

17                     MS. PETTY:  Objection.

18                     THE WITNESS:  Yes.

19      QUESTIONS BY MR. BUCHANAN:

20             Q.       And based on whether they pose  
21      an unreasonable risk to the health and safety  
22      or property of others.

23                     Right, sir?

24                     MS. PETTY:  Objection.

25                     You can answer, if you know.

Robert Wood

1 THE WITNESS: The hazard  
2 classes are based on the primary  
3 hazard of that particular chemical.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. And this particular train was  
6 carrying a number of HAZMAT materials.

7 Right, sir?

8 A. Yes.

9 Q. Let me see if I have this  
10 right.

11 There are hazard classes we can  
12 see in the column off to the second from the  
13 right.

14 Do you see that?

15 A. Yes.

16 Q. 2.1, Combustible Liquids, et  
17 cetera.

18 Do you see those?

19 A. Yes.

20 Q. There's also cars that derailed  
21 that are not classified as HAZMAT.

22 Right?

23 A. I'm sorry?

24 Q. There's also cars listed here  
25 that are not classified as HAZMAT.

1 Right?

2 A. That is correct.

3 Q. They can also have  
4 environmental impact.

5 Right, sir?

6 MS. PETTY: Objection.

7 THE WITNESS: Yes.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. There's two cars of  
10 polyethylene.

11 Right? See those?

12 A. Yes, I think there was more  
13 than two cars.

14 Q. Two breached. Excuse me.

15 Do you see that?

16 MS. PETTY: Objection.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Two hopper cars up top, 25 and  
19 26?

20 A. Yes.

21 Q. And I'm using line number, but  
22 there can be some confusion using car numbers  
23 that way.

24 Right, sir?

25 A. I'm sorry, I don't --

1 Q. I'm using line numbers for the  
2 cars, but there can be some confusion using  
3 line numbers.

4 Right?

5 MS. PETTY: Objection.

6 THE WITNESS: No, you should be  
7 using the car numbers. That's what we  
8 teach.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. Okay. So GPLX 74465, that's a  
11 polyethylene hopper car, not classified as  
12 hazardous, that was breached and burned.

13 Right?

14 MS. PETTY: Objection.

15 MR. FUKUMURA: Objection.

16 THE WITNESS: I don't -- I  
17 don't recall whether -- not all of the  
18 polyethylene cars breached. Some  
19 burned; some didn't. I would have to  
20 go back and review David's reports to  
21 see.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Okay. Maybe we'll have a  
24 chance to look at those today.

25 Three cars of propylene glycol.

1 Do you see those, also  
2 breached?

3 A. Again, this -- going through,  
4 there were several propylene glycols in here.  
5 I have to see how many were breached.

6 Q. We'll have a chance to look at  
7 the actual damage assessment, I think, a  
8 little later today, sir.

9 Just satisfy yourself that  
10 there was propylene glycol, or a car of  
11 propylene glycol, at least, that breached.

12 True?

13 MS. PETTY: Objection.

14 THE WITNESS: That is correct.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Okay. There was one car of  
17 ethylene glycol monobutyl ether that  
18 breached?

19 A. Yes.

20 Q. Four hopper cars of polyvinyl  
21 breached.

22 Right?

23 MS. PETTY: Objection.

24 THE WITNESS: Again, there  
25 were -- I'm trying --

1 QUESTIONS BY MR. BUCHANAN:

2 Q. On this it's Car 39 and 40.  
3 Also Car 53 and 54. And I can read the  
4 descriptors for the car numbers if we need  
5 to.

6 A. There were several PVC cars  
7 involved and hopper cars involved in the  
8 accident. I don't -- I don't remember  
9 exactly how many breached and how many just  
10 burned or how many were not damaged.

11 Q. You are aware, sir, that  
12 there -- they did burn.

13 Right?

14 MS. PETTY: Objection.

15 MR. FUKUMURA: Objection.

16 QUESTIONS BY MR. BUCHANAN:

17 Q. You had PVC burning in your  
18 derailment.

19 Right, sir?

20 MS. PETTY: Objection.

21 THE WITNESS: Yes.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. You had three cars of petroleum  
24 lube oil breached.

25 Right?

1           A.       According to the spreadsheet,  
2       yes.

3           Q.       And burned.  
4                    Right?

5                    MS. PETTY:  Objection.

6                    THE WITNESS:  I don't know how  
7       much of the product burned and how  
8       much was spilled, so really can't  
9       quantify it.

10       QUESTIONS BY MR. BUCHANAN:

11           Q.       You know that it burned,  
12       though, right?

13                    Petroleum lube oil in the  
14       aftermath of the derailment burned?

15           A.       I know the site burned.  I  
16       can't quantify exactly what burned.

17           Q.       One car of polypropyl glycol  
18       breached.

19                    Right?

20           A.       Which car was that?

21           Q.       That's 45, sir.  I can read  
22       the -- CERX30072.

23           A.       Yes.

24           Q.       And breached in this parlance,  
25       sir, and speaking about derailment, what's

1       that mean?

2               A.       I'm sorry --

3               Q.       What does breached mean when  
4       we're talking about cars and their contents  
5       in the context of a derailment?

6               A.       The actual tank shell of the  
7       car was opened up and allowed product to  
8       release.

9               Q.       Not a good thing?

10              MR. FUKUMURA:  Objection.

11              MS. PETTY:  Objection.

12              THE WITNESS:  No.

13       QUESTIONS BY MR. BUCHANAN:

14              Q.       Car of diethylene glycol,  
15       Car 47, NATX231335, breached.

16              Right?

17              A.       According to the spreadsheet,  
18       yes.

19              Q.       And these are the cars that are  
20       not classified as HAZMAT.

21              Right?

22              MS. PETTY:  Objection.

23              THE WITNESS:  The polyethylene,  
24       the polyvinyl chloride, the petroleum  
25       lube oil and those glycols are not,



1           are not considered HAZMAT in  
2           transportation.

3       QUESTIONS BY MR. BUCHANAN:

4           Q.       And that doesn't mean it's safe  
5       to burn them.

6                    Right?

7                    MS. PETTY:  Objection.

8                    MR. FUKUMURA:  Objection.

9                    THE WITNESS:  I'm not -- I'm  
10           not sure what the products of  
11           combustion would be other than what  
12           normal products of combustion of lube  
13           oil would be.

14                   The glycols, I do not know if  
15           they'll even burn.

16       QUESTIONS BY MR. BUCHANAN:

17           Q.       You say products of combustion.

18                   PAHs, you know what those are,  
19       sir?

20           A.       Yeah.  They're hydrocarbons.

21           Q.       Recognized as carcinogens.

22                    Right, sir?

23                    MS. PETTY:  Objection.

24                    THE WITNESS:  I do not know  
25           which list of PAHs are.  I do not

1 know.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. You're not surprised to hear,  
4 though, sir, that PAHs have been found to be  
5 carcinogenic.

6 That doesn't surprise you, does  
7 it, sir?

8 MS. PETTY: Objection.

9 THE WITNESS: I'm not familiar  
10 with the carcinogenic properties of  
11 PAHs. That's a whole family of  
12 chemicals.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. You aware that IARC and the  
15 ATSDR and other organizations have found them  
16 to be carcinogenic?

17 MS. PETTY: Objection.  
18 Foundation.

19 THE WITNESS: If that's in  
20 their documentation, I haven't read  
21 it.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Let's take a look at the HAZMAT  
24 materials.

25 Five tank cars of vinyl

1 chloride monomer, 28, 29, 30, 31 and 55.

2 That's, what, TILX402025,  
3 OCPX80235, OCPX80179, GATX95098, and  
4 OCPX80370, vinyl chloride stabilizer.

5 Do you see those, sir?

6 A. Yes.

7 Q. And they weren't breached in  
8 the derailment.

9 Right?

10 MS. PETTY: Objection.

11 THE WITNESS: The tank shells  
12 were not breached, but the cars vented  
13 from the PRDs and burned during the  
14 wreck.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. And that acronym we'll probably  
17 have a chance to talk about today. That's a  
18 pressure relief -- pressure release device?

19 A. A pressure relief device, yes.

20 Q. Okay. And pressure relief  
21 devices are designed to vent product as  
22 pressure builds.

23 Right?

24 MS. PETTY: Objection.

25 THE WITNESS: That's correct.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Okay. So the cars themselves,  
3 sir, did not breach in the derailment.

4 Correct?

5 MS. PETTY: Objection. Asked  
6 and answered.

7 THE WITNESS: The vinyl  
8 chloride cars did not breach in the  
9 accident.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. They breached when you vented  
12 and burned them on February 6th.

13 Right?

14 MS. PETTY: Objection.

15 THE WITNESS: The vent and burn  
16 was performed on those cars on  
17 February 6th because all other options  
18 to remove product from them were not  
19 available to us.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. We'll get a chance to talk  
22 about that today. I just want to understand  
23 the facts, sir.

24 They did not breach in the  
25 derailment.

1 Correct?

2 MS. PETTY: Objection. Asked  
3 and answered.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Right, sir?

6 A. The vinyl chloride cars did not  
7 breach in the accident.

8 Q. They breached when Norfolk  
9 Southern's contractor blew them up.

10 MS. PETTY: Objection.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Intentionally.

13 MS. PETTY: Objection.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. Right?

16 A. The contractor that performed  
17 the vent and burn used shaped explosives and  
18 blew holes in the car.

19 Q. So when this chart says that  
20 they breached, they breached as a result of  
21 the intentional acts of Norfolk Southern's  
22 contractor to plant explosives on them to  
23 blow them up.

24 MS. PETTY: Objection.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Correct?

3 MS. PETTY: Objection.

4 THE WITNESS: No, this column  
5 in the chart lists whether material  
6 was released from them either from a  
7 breach or either from being burned.  
8 That's what this spreadsheet  
9 indicates.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Okay. As a factual matter,  
12 sir, these tanks, the vinyl chloride tank  
13 cars, that I read into the record a moment  
14 ago that we see on the sheet, those cars were  
15 breached when Norfolk Southern's contractor  
16 planted explosives and blew them up.

17 MS. PETTY: Objection.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Correct?

20 A. A vent and burn was performed  
21 on the five vinyl chloride cars, but these  
22 cars had released burning product during the  
23 pool fire incidents.

24 Q. When you say they "released  
25 burning product," they released burning

1 product as a matter of the design of the  
2 pressure relief device, which is designed to  
3 relieve pressure in the tanks.

4 Right?

5 MS. PETTY: Objection.

6 THE WITNESS: There were  
7 releases from the PRDs as well as all  
8 the other valves on the car.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. There are other HAZMAT cars.  
11 We talked about the non-HAZMAT cars. We  
12 talked about the five that your contractor  
13 planted explosives on and blew up, but there  
14 are others.

15 Right?

16 MS. PETTY: Objection.

17 THE WITNESS: There were other  
18 hazardous materials cars involved in  
19 the derailment.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Okay. You had a tank car of  
22 isobutylene.

23 Right? Car 49?

24 A. That is correct.

25 Q. Tank car of butyl acrylates.

Robert Wood

1 Right? Car 50?

2 A. Yes.

3 Q. UTLX205907?

4 A. That is correct.

5 Q. That one breached.

6 Right?

7 A. The butyl acrylate car was  
8 breached in the derailment.

9 Q. Dumped contents into the  
10 waterways there.

11 Right?

12 MS. PETTY: Objection.

13 THE WITNESS: Material  
14 eventually entered the ditch lines  
15 along the railroad tracks, yes.

16 QUESTIONS BY MR. BUCHANAN:

17 Q. And just to make sure that we  
18 have a clean record, when you say "material,"  
19 you're aware that butyl acrylates entered the  
20 waterway there.

21 Right?

22 MS. PETTY: Objection.

23 THE WITNESS: Butyl acrylate  
24 was released. How much burned, how  
25 much entered the waterway, the ditch



1 lines along the railroad tracks, I  
2 can't say. I know it was there. You  
3 could see it burning.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. You also got reports it was in  
6 the river.

7 Right?

8 MS. PETTY: Objection.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. Or in the creeks, excuse me?

11 MS. PETTY: Objection.

12 Foundation.

13 THE WITNESS: There were  
14 materials from the derailment that  
15 reached Sulfur Run and I believe  
16 Leslie Run. The quantities of which  
17 chemicals it was, I can't answer to  
18 that.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Okay. And which materials did  
21 you ultimately determine had entered into the  
22 creeks, into the waterway?

23 MS. PETTY: Objection.

24 THE WITNESS: Everything that  
25 spilled, HAZ and non-HAZ, had the

1 potential of entering the ditch line  
2 because of where the derailment was  
3 at.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. So you couldn't rule any out?

6 MS. PETTY: Objection.

7 THE WITNESS: I cannot.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. One tank car of ethylhexyl  
10 acrylate, Car 38.

11 Do you see that?

12 A. Yes.

13 Q. DOWX73168 breached.

14 Right?

15 A. That is correct.

16 Q. One tank car of ethylene glycol  
17 monobutyl ether, Car 36, breached.

18 Right?

19 A. That is correct.

20 Q. SHPX211226, that's its car  
21 number.

22 Right?

23 A. For which one?

24 Q. Ethylene glycol monobutyl  
25 ether.

1           A.       That is correct.

2           Q.       And two tank cars, benzene  
3       residue.

4                    Right?

5           A.       There were two residue tank  
6       cars of benzene involved in the derailment  
7       that did not breach.

8           Q.       How much benzene was in those  
9       cars, sir?

10                   MS. PETTY:  Objection.

11                   THE WITNESS:  The residue cars?

12                   They're required to be shipped --

13                   residue is an "iffy" determination.

14                   So it had been emptied to the greatest

15                   extent possible.  So how much was

16                   actually in the cars, I do not know.

17       QUESTIONS BY MR. BUCHANAN:

18           Q.       As a matter of regulation or  
19       practice, sir, what's the -- what's the  
20       maximum amount you're allowed to still have  
21       in a car and still call it residue?

22           A.       When the car has been emptied  
23       to the greatest extent possible.

24           Q.       So we're looking at this report  
25       that lists a summary of the derailed cars and

1 HAZMAT and non-HAZMAT cars that could have  
2 impact and that were involved in the fires or  
3 breached or otherwise.

4 I want to kind of orient to  
5 your call. And you got this call on Friday  
6 of the 3rd relating to this train.

7 Do you recall that call, sir?

8 MS. PETTY: Objection.

9 Is there a question?

10 MR. BUCHANAN: Yeah, pretty  
11 clearly.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. Remember the call?

14 A. Yes. I was notified about the  
15 derailment.

16 Q. Right.

17 You received the consist very  
18 shortly after the derailment.

19 Right?

20 A. I went to our server and  
21 downloaded a copy of the consist.

22 Q. Looks like you get it around,  
23 what is that, 9:08 p.m.?

24 Is that consistent with your  
25 memory, sir?

1           A.       I do not know the exact time,  
2       but if that shows the time I would have  
3       e-mailed, it would have been right about  
4       then.

5                       (Wood Exhibit 4 marked for  
6       identification.)

7       QUESTIONS BY MR. BUCHANAN:

8           Q.       Do you have Exhibit 4 before  
9       you, sir? It's that fluorescent sticker in  
10       the bottom right.

11          A.       Yes.

12          Q.       Okay. All right. See a  
13       Mr. Dudle? Dudle? How do you pronounce his  
14       name?

15          A.       Dudle.

16          Q.       Dudle.  
17                       Notifying you.

18                       Is that 9:08 p.m.?

19                       MR. FUKUMURA: Objection.

20                       MS. PETTY: Objection.

21                       THE WITNESS: I have -- I have  
22                       10:16 is what it says on here. Oh,  
23                       I'm sorry, I'm looking at the --

24       QUESTIONS BY MR. BUCHANAN:

25          Q.       Yeah, I'm sorry, they print out

1 kind of the earliest in time on the bottom.

2 A. Got it. Yes, I see that.

3 Q. It says, "Consist information  
4 is attached. Large fire reported consistent  
5 with car positioning for the vinyl chloride  
6 cars. Scott Deutsch will be NS on-site  
7 contact."

8 Do you see that, sir?

9 A. Yes.

10 Q. Okay. So really out of the  
11 gate, sir, you know you're dealing with vinyl  
12 chloride?

13 MS. PETTY: Objection.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. In the site of the derailment.  
16 Right?

17 A. We knew vinyl chloride was part  
18 of the train, yes.

19 Q. This is one of your earliest  
20 notifications about the event.

21 Right?

22 A. Yes.

23 Q. Okay. Is this your first  
24 notification, 9:08 p.m., or...

25 A. No. I would have gotten a

1 phone call, would have been the first  
2 notification.

3 Q. Okay. So you got the phone  
4 call, and then the consist was sent around to  
5 you shortly thereafter.

6 Fair?

7 A. No. I downloaded the consist  
8 and sent it out to Scott Deutsch.

9 Q. Oh, I see.

10 Okay. So Mr. Dudle here is  
11 sending you, I guess, another copy of it.  
12 You had already gotten it by this point in  
13 time?

14 A. No. In the e-mail chain, he's  
15 cc'ing me. He's forwarding it on to our air  
16 monitoring contractor that's en route.

17 Q. I see.

18 It says, "Chase, consist  
19 information is attached. Large fire reported  
20 consistent with" --

21 MR. FUKUMURA: He's at page 2.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. I'm actually looking at the  
24 bottom of page 1. Thank you.

25 "Chase, consist information is

1 attached. Large fire reported consistent  
2 with car positioning for the vinyl chloride  
3 cars."

4 Do you see that?

5 A. I see that.

6 Q. Okay. And Scott Deutsch would  
7 be NS on-site contact.

8 Do you see that?

9 A. Yes, I see that.

10 Q. And he was one of your regional  
11 managers, Mr. Deutsch?

12 A. Yes.

13 Q. And he was dispatched to the  
14 site at that moment.

15 Right?

16 MS. PETTY: Objection. Vague.

17 THE WITNESS: No.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. When was he dispatched?

20 A. By telephone, right after I  
21 received a telephone call about it.

22 Q. Okay. So when did you receive  
23 the telephone call, sir?

24 A. I would have to look back  
25 through the phone records to see when I was



1 notified, whether it was DCC or NOC who would  
2 have made the call to the HAZMAT duty phone,  
3 which I man.

4 Q. Sir, you said you'd have to  
5 look back through the phone records. We  
6 served a subpoena on you.

7 Are you aware of that?

8 A. Yes.

9 Q. You were using your phone  
10 during this period of the response?

11 A. Yes.

12 Q. Sending texts?

13 A. No. All verbal communication  
14 for the most part in the early moments.

15 Q. Okay. Over the course --

16 A. I'm sure there were texts.

17 Q. Over the course of those three  
18 or four days leading up to the vent and burn,  
19 sir, did you -- did you use your phone via  
20 text message or calls to coordinate response,  
21 to speak to colleagues, contractors,  
22 whatever?

23 A. Yes.

24 MS. PETTY: Objection.

25 Compound.

1       QUESTIONS BY MR. BUCHANAN:

2               Q.       Did you search your phone to  
3       see what you had related to the derailment?

4               A.       No.

5               Q.       You were never asked to search  
6       your phone to gather text messages or call  
7       records or e-mails you had on your phone --

8                       MS. PETTY:  Objection.

9       QUESTIONS BY MR. BUCHANAN:

10              Q.       -- relative to the derailment?

11                     MS. PETTY:  Objection.  Lacks  
12       foundation.

13                     Don't disclose any  
14       communications that you may have had  
15       with counsel, but you can disclose  
16       what you may have provided to be  
17       searched for purposes of this  
18       litigation.

19                     THE WITNESS:  I provided my  
20       computer, cell phone and iPad that  
21       were downloaded.

22       QUESTIONS BY MR. BUCHANAN:

23              Q.       Would it surprise you to learn,  
24       sir, that your counsel represented to us that  
25       there was nothing related to the derailment

1 on your personal devices?

2 MS. PETTY: Objection.

3 THE WITNESS: My personal  
4 devices or my company-supplied  
5 devices?

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Your company-supplied devices,  
8 sir.

9 A. I do not know that that was the  
10 fact.

11 Q. Were you using your company  
12 phone to text and correspond with colleagues  
13 when you were on the ground in East  
14 Palestine, sir?

15 MS. PETTY: Objection.

16 THE WITNESS: I was using my  
17 phone, yes, while I was there.

18 I'm sure text, phone calls,  
19 e-mail.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Who were you corresponding with  
22 via text, sir, during this period of time  
23 after you get into East Palestine?

24 MS. PETTY: Objection.

25 THE WITNESS: I do not know

1 exactly. It would have been -- could  
2 have been with any of our folks there  
3 that were on site, whether it be  
4 HAZMAT managers or other NS employees  
5 or contractors.

6 I've had telephone  
7 conversations with all of them. I'm  
8 sure I've exchanged texts with all of  
9 them.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Have you had the occasion to go  
12 back and look through your phone to see what  
13 text messages you have relevant to that  
14 period of time, sir?

15 A. No.

16 Q. Did you delete them?

17 A. I deleted no e-mails to -- or  
18 text messages relevant to East Palestine, to  
19 my knowledge.

20 MR. BUCHANAN: Okay. Counsel,  
21 are you contending those were  
22 produced?

23 MR. FUKUMURA: Yeah.

24 MS. PETTY: Our contention is  
25 that everything responsive was

1           produced. I'm not sure what's going  
2           on here, but everything responsive  
3           that we were aware of was produced.

4                   MR. BUCHANAN: All right.

5           Well, we'll take a look at the break  
6           at the correspondence on this.

7   QUESTIONS BY MR. BUCHANAN:

8           Q. All right, sir. This consist,  
9   you said you downloaded it and then you  
10   started sending it around to folks.

11                   Right?

12           A. Yes. The first would have been  
13   to Scott Deutsch for him to forward whoever  
14   he needed to.

15           Q. Sent it to Mr. Gould,  
16   Mr. Deutsch, Mr. Schoendorfer.

17                   Right?

18           A. Yes, I believe that's correct.

19           Q. And then to Mr. Burch, Edwards,  
20   Gould, Patten, Shanks and Simpson.

21                   Right?

22                   MS. PETTY: Objection.

23                   THE WITNESS: Yes. Whenever we  
24   have a derailment, I generally send  
25   the information out to alert the

1           entire HAZMAT staff.

2       QUESTIONS BY MR. BUCHANAN:

3           Q.       Did you, sir, send it out to  
4       anyone in East Palestine?

5           A.       I did not.

6           Q.       First responders there?

7           A.       I did not.   Scott Deutsch did.

8           Q.       You sent it out to the Norfolk  
9       Southern lawyers, right, around 11:30 that  
10      day?

11                   MS. PETTY:   Objection.

12                   THE WITNESS:   I'm not sure.

13           I'd have to go back.   If the e-mails  
14      say I did, I did.

15      QUESTIONS BY MR. BUCHANAN:

16           Q.       At no point in -- what was it,  
17      I guess on the 3rd -- did you share it with  
18      Fire Chief Drabick?

19                   Right?

20           A.       I didn't speak with Chief  
21      Drabick.   I spoke with who was serving as  
22      incident commander that night.   I don't  
23      recall their name.

24           Q.       Was that a deputy chief?

25           A.       I'm not sure.

Robert Wood

1 Q. And you didn't send the consist  
2 to him, did you, sir?

3 A. I believe they already had the  
4 information when I spoke to him.

5 Q. Well, if they said otherwise,  
6 sir, I mean, would you have any basis to  
7 disagree with them?

8 MS. PETTY: Objection.

9 THE WITNESS: Yeah, I have -- I  
10 have no way to know that one way or  
11 the other.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. Right. And just from your --  
14 the knowledge you have, sir, you did not send  
15 it to the deputy chief or anybody in East  
16 Palestine.

17 Correct, sir?

18 A. I did not.

19 Q. Thank you.

20 (Wood Exhibit 5 marked for  
21 identification.)

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Passing you what we've marked  
24 as Exhibit 5 to your deposition, sir.

25 Exhibit 5 is titled "Norfolk

1 Southern Railroad Emergency Response Planning  
2 Guide."

3 Do you see that?

4 A. I do.

5 Q. You've seen that before?

6 A. Yes.

7 Q. Okay. I'd like to take you to  
8 .36. That's the number at the top right.

9 And it says, "Shipping Papers."

10 Do you see that?

11 A. Yes.

12 Q. It says, "During any incident  
13 involving the railroad, it is extremely  
14 important to understand the paperwork is --  
15 it's extremely important to understand that  
16 the paperwork is the key to identification."

17 Do you see that?

18 A. Yes, I see that.

19 Q. "The engineer and/or conductor  
20 are required to have the shipping papers  
21 consist available, and also they must be  
22 updated when they pick up or drop off cars."

23 Do you see that, sir?

24 A. I do.

25 Q. Do you agree with that, sir?



1 A. Yes.

2 Q. And this is Norfolk Southern's  
3 railroad emergency response planning guide.

4 Right?

5 A. This is the training document  
6 we use to provide training to first  
7 responders, but that requirement is a  
8 regulation.

9 Q. That you carry the consist.  
10 Right?

11 A. Correct.

12 Q. Because it's important at the  
13 moment of the derailment or the moment of an  
14 accident, that the folks who have to deal  
15 with that situation have the facts of what's  
16 on that particular train.

17 Right, sir?

18 MS. PETTY: Objection.

19 THE WITNESS: Yes, among other  
20 things.

21 QUESTIONS BY MR. BUCHANAN:

22 Q. And they --

23 A. We also provide the AskRail app  
24 out there that gives realtime consist  
25 information in the palm of the hand from your

1 mobile device.

2 Q. Yeah.

3 Was this consist on AskRail,  
4 sir?

5 A. It was.

6 Q. It's your understanding that  
7 the engineer, the folks on the train, were  
8 using AskRail and this consist was on there?

9 MS. PETTY: Objection.

10 THE WITNESS: No, sir. The  
11 crews don't use AskRail. The AskRail  
12 is an app for first responders, and it  
13 was used that night 30-plus times.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. Okay. And help me understand  
16 that, sir.

17 How was it -- you understand it  
18 was accessed by whom and when?

19 A. I just know there were  
20 30-some-odd searches during the incident. I  
21 don't know who personally -- or if the  
22 information can be downloaded from the AAR.

23 Q. Okay. You said 30-some-odd  
24 searches.

25 And do you know who was doing

1 the searches?

2 A. There would be records with  
3 Railinc and AAR as to who did the search.

4 Q. Okay. Do you know if it was  
5 just Norfolk Southern folks?

6 MS. PETTY: Objection.

7 THE WITNESS: No. These  
8 were -- there were first responder  
9 personnel that did this.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. How do you know there were 30  
12 searches?

13 A. AAR provided that information.

14 Q. I'm just trying to understand  
15 the context.

16 How did you -- AAR provided  
17 that information to you.

18 Why?

19 A. I am a member of the AAR HAZMAT  
20 committee, along with all the Class I  
21 railroads who developed the AskRail app, and  
22 we monitor the usage of it, especially during  
23 an emergency.

24 Q. And so when did you get that  
25 information?

1           A.       I think a week later, a report  
2       of how many searches were done.

3                   MR. BUCHANAN:   Actually, we're  
4       going to be shifting gears for a  
5       moment.   Do you mind taking five  
6       minutes?

7                   MR. FUKUMURA:   Yeah, perfect.

8                   THE WITNESS:   Sounds good.

9                   VIDEOGRAPHER:   We are now going  
10      off the video record.   The time is  
11      currently 9:55 a.m.

12                  (Off the record at 9:55 a.m.)

13                  VIDEOGRAPHER:   We are now back  
14      on the video record.   The time is  
15      currently 10:11 a.m.

16      QUESTIONS BY MR. BUCHANAN:

17                  Q.       Sir, before the break, we were  
18      talking about Mr. Deutsch.   He was an  
19      individual who you supervised.

20                       Is that right?

21                  A.       Yes.

22                  Q.       He's a regional HAZMAT manager.

23                       Is that right?

24                  A.       Yes.

25                  Q.       And he was dispatched to the

1 scene shortly after you got word about the  
2 derailment?

3 A. Yes. Yes.

4 Q. He was, what, one of the  
5 closest people to the scene?

6 A. Yes. He's based out of the  
7 Pittsburgh area.

8 Q. Okay. And it's your  
9 understanding he got there, what, in about an  
10 hour and a half after he got word from you?

11 MS. PETTY: Objection.

12 THE WITNESS: I believe that's  
13 correct.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. So for approximately an hour  
16 and a half it was just, what, the first  
17 responders on the ground dealing with this  
18 Norfolk Southern train and the fire that  
19 spawned from it?

20 MS. PETTY: Objection.

21 THE WITNESS: No, I believe  
22 there were other NS personnel on site.

23 I do not know what time they arrived.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Are you aware of anybody

1 arriving before Mr. Deutsch?

2 A. Yes.

3 Q. From the HAZMAT response?

4 A. From the HAZMAT group, no.

5 Q. Okay.

6 A. From Norfolk Southern, yes.

7 Q. Okay. You aware of anybody  
8 before Mr. Deutsch coordinating the response  
9 to the fire before Mr. Deutsch arrived?

10 MS. PETTY: Objection.

11 MR. FUKUMURA: Objection.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. On site.

14 MS. PETTY: Objection.

15 THE WITNESS: Mr. Deutsch told  
16 me that, I believe it was, Josiah  
17 Saxe, who was with Norfolk Southern  
18 mechanical, was at the command post  
19 with the incident commander.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. And again, the incident  
22 commander at that point in time on Friday was  
23 whom?

24 MS. PETTY: Objection.

25 THE WITNESS: I don't know the

1 individual's name.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. Okay. I take it you came to  
4 understand, sir, a pretty big response from  
5 local emergency responders.

6 Right?

7 MS. PETTY: Objection.

8 THE WITNESS: I'm sorry, I  
9 didn't quite understand what you said.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Some 50 fire departments were  
12 called in on this one?

13 A. I do not know the number of  
14 departments. There were multiple departments  
15 that did respond.

16 Q. Quite a few.

17 Fair?

18 MS. PETTY: Objection.

19 MR. FUKUMURA: Objection.

20 THE WITNESS: There were a  
21 number. Again, I don't know how many.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Hundreds of emergency  
24 responders called onto the scene by the time  
25 Mr. Deutsch had gotten there.

1 Right?

2 MS. PETTY: Objection. Calls  
3 for speculation.

4 THE WITNESS: I do not know how  
5 many first responders were there.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. You didn't get that report from  
8 Mr. Deutsch or others?

9 MS. PETTY: Objection.

10 THE WITNESS: I would not have  
11 gotten a number of first responders  
12 that were there, no.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. Mr. Deutsch tell you it was  
15 chaotic when he got there?

16 MS. PETTY: Objection.

17 Foundation.

18 THE WITNESS: The first reports  
19 I got from Mr. Deutsch after he had  
20 got there was that he thought the  
21 first responders were in -- some were  
22 in a position that they shouldn't be  
23 in and got them to remove themselves.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. When he got there, there was a



1 pool fire.

2 Right?

3 A. Yes.

4 Q. Ditch fire?

5 A. Yes.

6 MS. PETTY: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Running the full length of the  
9 derailed cars.

10 Right?

11 MS. PETTY: Objection.

12 THE WITNESS: Not sure the  
13 exact -- the actual extent of the  
14 fire, but there were fires.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. No pressure cars had been  
17 breached as of the time he got there.

18 Right?

19 MS. PETTY: Objection.

20 THE WITNESS: There were no  
21 pressure cars breached. Some began  
22 venting from their PRD shortly after  
23 he got there.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Right. They had not vented by

1 the time he got there.

2 Right?

3 MS. PETTY: Objection.

4 THE WITNESS: I believe that is  
5 correct.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Right. I take it you're not on  
8 the ground at that point, but you defer to  
9 Mr. Deutsch in terms of his observations and  
10 experience there?

11 A. Yes.

12 Q. So is it correct, sir, that --  
13 or at least you understand that Mr. Deutsch  
14 directed the firefighters to withdraw from  
15 the area?

16 A. Yes.

17 Q. And to stop all fire  
18 suppression activities.

19 Right?

20 A. I don't know that he instructed  
21 them to stop fire suppression activities. He  
22 told them to remove personnel. They may have  
23 still been running unmanned -- unmanned  
24 master streams. I don't know.

25 Q. You're aware that they were

1 instructed to stop all fire suppression  
2 activities at some point in that February 3rd  
3 to February 4th time frame.

4 Correct?

5 MS. PETTY: Objection.

6 THE WITNESS: I was told that  
7 the firefighters were told to egress  
8 from the site.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. You're not aware that it was  
11 Mr. Deutsch's recommendation that the fire  
12 protection personnel pull back and cease  
13 engaging in other fire suppression  
14 activities?

15 MS. PETTY: Objection.

16 MR. FUKUMURA: Objection.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Not aware of that?

19 A. Yes. Scott Deutsch said the  
20 firemen need to be removed from where they  
21 were at because they were -- their safety.

22 Q. Not aware that he also told  
23 them to cease engaging in other fire  
24 suppression activities?

25 MS. PETTY: Objection.

1 THE WITNESS: I'm not aware of  
2 that.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. Would you defer to Mr. Deutsch,  
5 I guess, and his recollection and testimony  
6 on that?

7 A. Yes.

8 Q. And Mr. Deutsch, I take it he  
9 reached out to contractors to assist in the  
10 fire suppression activities.

11 Right?

12 MS. PETTY: Objection.

13 THE WITNESS: Mr. Deutsch would  
14 have engaged contractors to come --

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Right.

17 A. -- as part of a response.

18 Q. You have that knowledge, do you  
19 not, sir, that Mr. Deutsch reached out to  
20 SPSI, among others, in connection with  
21 mobilizing Norfolk Southern's response at the  
22 derailment site?

23 A. Yes.

24 Q. But even though Norfolk  
25 Southern brought in contractors, ultimately

1       it was Norfolk Southern -- Norfolk Southern's  
2       responsibility to approve the decisions made  
3       in the derailment site.

4                     Right?

5                     MS. PETTY:  Objection.

6                     MR. FUKUMURA:  Objection.

7                     THE WITNESS:  No.  The ultimate  
8       decisions have to come from the  
9       incident commander.

10       QUESTIONS BY MR. BUCHANAN:

11               Q.       Isn't it true, sir, that  
12       ultimately anything done on one of Norfolk  
13       Southern's derailment sites has to meet  
14       Norfolk Southern's approval?

15                     MR. FUKUMURA:  Objection.

16                     MS. PETTY:  Objection.

17                     THE WITNESS:  When we're  
18       working a site under a unified  
19       command, unified command and the  
20       incident commander ultimately has  
21       decision-making abilities.

22       QUESTIONS BY MR. BUCHANAN:

23               Q.       Let's take a look at your  
24       testimony before the NTSB, sir.

25                     Do you have Exhibit 256 before

1       you?

2               A.       Yes.

3               Q.       Okay. You can go to page 191.

4                       MS. PETTY: Counsel, are you  
5       talking about -- do you mean  
6       Exhibit 2? You said 256.

7                       MR. BUCHANAN: My apologies. I  
8       have an internal number on it. It's  
9       Exhibit 2 your deposition, sir.

10      QUESTIONS BY MR. BUCHANAN:

11              Q.       Top right corner, do you see  
12      those numbers?

13                      I'd like to take you, sir, if  
14      we could, to --

15              A.       I don't see an Exhibit 2. Oh,  
16      I'm sorry. This one.

17              Q.       This is a transcript of the  
18      investigative hearing, right, before the  
19      NTSB?

20                      Do you see that first page?

21              A.       Yes.

22              Q.       June 22, 2023.

23                      Right?

24              A.       Yes.

25              Q.       Case, February 3, Norfolk

1 Southern Railway derailment in East  
2 Palestine.

3 Do you see that?

4 A. Yes.

5 Q. All right. Let's go to 190,  
6 top right corner. Actually, 191, I believe.

7 And there's a question put to  
8 you in an interaction with some panelists at  
9 the NTSB hearing.

10 Do you see that?

11 A. Yes.

12 Q. And there's a quote from you.  
13 Do you see that, Mr. Wood, in the middle of  
14 the page?

15 A. 191?

16 Q. Yeah. I'm sorry, top of the  
17 page, carrying over. Carries over. You can  
18 look at 190, if you'd like.

19 "And in following that decision  
20 matrix, we are going to take their input and  
21 advice." This is referring to Norfolk  
22 Southern's contractors. "It's ultimately, in  
23 most of these cases, going to be their  
24 personnel that's going to complete that work.  
25 But ultimately, anything that's done on one

1 of our sites has to meet our approval."

2 Do you see that, sir?

3 A. I do. I'm referring to the  
4 work of our contractors.

5 Q. That's right.

6 And when your contractors  
7 recommend the course of activity with regard  
8 to pressurized cars or vent and burn,  
9 ultimately, Norfolk Southern has to approve.

10 Right?

11 MS. PETTY: Objection --

12 MR. FUKUMURA: Objection.

13 MS. PETTY: -- to the form.

14 THE WITNESS: Norfolk Southern  
15 has to approve the work of all of our  
16 contractors. But in unified command,  
17 that decision ultimately has to be  
18 approved by that incident commander.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. And what you said, sir, was,  
21 "But ultimately, anything that's done on one  
22 of our sites has to meet our approval."

23 That's what you told the NTSB.

24 Correct, sir?

25 MS. PETTY: Objection.



1       QUESTIONS BY MR. BUCHANAN:

2               Q.       As reflected in the transcript.

3               A.       Yes. All the work our  
4       contractors do must be approved by NS.

5               Q.       Has to meet your approval.  
6                       Correct?

7               A.       The work of our contractors  
8       must meet our approval.

9               Q.       And the recommendation to vent  
10       and burn had to meet your approval.

11                      Right?

12                      It's Norfolk --

13               A.       Any work by our contractors has  
14       to meet the approval of Norfolk Southern.

15               Q.       And before that had to be done  
16       or before that was done, you approved it?

17                      MS. PETTY: Objection.

18                      MR. FUKUMURA: Objection.

19                      THE WITNESS: Norfolk Southern  
20       didn't approve the vent and burn.

21                      Unified command at East Palestine and  
22       the incident commander ultimately  
23       approved the vent and burn.

24       QUESTIONS BY MR. BUCHANAN:

25               Q.       I'm sorry, sir, I thought you

1 recommended it to incident command.

2 Wasn't that you that did that,  
3 sir?

4 A. I was one of the ones who did  
5 that because I believed that was the safest  
6 course of action.

7 Q. Okay. Your contractors  
8 recommended it, and then you recommended it  
9 to incident command.

10 Right?

11 MS. PETTY: Objection.

12 THE WITNESS: Yes, it was  
13 recommended to incident command.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. You'd agree, sir, when incident  
16 command is making a decision to do something  
17 that Norfolk Southern itself has never done  
18 before or that its contractor has never done  
19 before, that you certainly shouldn't conceal  
20 safety information about the risks of that  
21 event.

22 Right?

23 MS. PETTY: Objection.

24 Wait. Wait. Wait for me to  
25 finish my objection.

1 Assumes facts. Lacks  
2 foundation. Compound.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. You'd agree?

5 MS. PETTY: Same objections.

6 THE WITNESS: Ultimately, vinyl  
7 chloride is a Chlorine Institute  
8 mission chemical. We had two of the  
9 three Chlorine -- CHLOREP contractors  
10 on site.

11 Chip Day has been involved in  
12 several vent and burns. And to my  
13 knowledge, ESI, who we brought in, has  
14 performed, I would say, every vent and  
15 burn that's been conducted in the  
16 United States.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. My question to you, sir, was,  
19 you'd agree that you shouldn't conceal safety  
20 information from incident command when  
21 presenting a decision like that?

22 MS. PETTY: Objection. Vague.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. You'd agree?

25 MS. PETTY: Assumes facts.

1 Same objections.

2 THE WITNESS: I'm sorry, you'll  
3 have to repeat your question.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Yes, sir.

6 You said it was incident  
7 command that made the decision.

8 My question to you, sir, was,  
9 you'd agree that you shouldn't conceal safety  
10 risks or information pertinent to the  
11 decision from the people making the decision.

12 Right?

13 MR. FUKUMURA: Objection.

14 MS. PETTY: Objection.

15 MR. FUKUMURA: Compound.

16 THE WITNESS: I agree, all  
17 safety items should be brought to  
18 the -- to the incident commander.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. And when you bring in the  
21 subject matter expert, and the subject matter  
22 experts tell you something that's contrary to  
23 the view expressed from somebody else, that's  
24 certainly something you should be sharing  
25 with the ultimate decision-makers.

Robert Wood

1 Right?

2 MS. PETTY: Objection. Calls  
3 for a hypothetical.

4 THE WITNESS: Again, I can't  
5 speak to any information that was  
6 withheld from incident command on my  
7 part.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. You weren't aware, sir, that  
10 the subject matter experts had told Norfolk  
11 Southern that the vinyl chloride and the cars  
12 that were being discussed was not  
13 polymerizing?

14 MS. PETTY: Objection.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. You were not aware of that,  
17 sir?

18 MS. PETTY: Objection.

19 THE WITNESS: I was told by NS  
20 HAZMAT personnel and contractors that  
21 there were people from -- the shipper  
22 of the product didn't believe the  
23 product was polymerizing.

24 But that was the extent of it.  
25 They didn't believe it.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Folks didn't tell you, sir,  
3 your team, your contractors, that when they  
4 consulted the subject matter experts on the  
5 product, they had said, let me be clear, it's  
6 not polymerizing?

7 MS. PETTY: Objection.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Nobody shared that with you,  
10 sir?

11 MS. PETTY: Objection.

12 THE WITNESS: Information from  
13 Oxy was shared that there were some --  
14 they believed it was not polymerizing.

15 We were dealing with a realtime  
16 emergency, with observation from the  
17 subject matter experts who respond to  
18 these chemicals on a regular basis.

19 We consider all information.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. I'm sorry, sir. My question  
22 was, nobody shared with you that the subject  
23 matter experts at Oxy Vinyls had said,  
24 polymerization is not happening? No one  
25 shared that with you?

1 MS. PETTY: Objection. Assumes  
2 facts. Asked and answered.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. I just want to know whether  
5 somebody told you that.

6 MS. PETTY: Same objections.

7 THE WITNESS: Either -- one of  
8 the NS HAZMAT managers or -- either  
9 Chip Day or Drew McCarty, said folks  
10 from Oxy had stated they believe the  
11 product was polymerizing.

12 But that statement went against  
13 every piece of written documentation  
14 about the chemical out there.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Who was the subject matter  
17 expert on vinyl chloride monomer that Norfolk  
18 Southern spoke with?

19 MS. PETTY: Objection.

20 THE WITNESS: Myself  
21 personally? Drew McCarty with SPSI,  
22 Chip Day with SRS, who are both  
23 CHLOREP contractors.

24 Vinyl chloride is a Chlorine  
25 Institute mission chemical. They are

1           one of -- two of three certified  
2           CHLOREP contractors in the United  
3           States.

4                   There had been conversations  
5           that they had with myself, plus their  
6           years of experience.

7   QUESTIONS BY MR. BUCHANAN:

8           Q.       Were you a part of any of the  
9           calls, sir, with Oxy Vinyls and their  
10          representatives?

11          A.       I was not.

12          Q.       And did anybody share with you,  
13          sir, to get an answer to my question, that  
14          the folks from Oxy Vinyls had said, these  
15          cars are not polymerizing?

16                   MR. FUKUMURA:  Objection.

17                   Asked and answered.

18                   MS. PETTY:  Objection.  Form.

19                   Asked and answered.  Vague and  
20                   ambiguous.

21   QUESTIONS BY MR. BUCHANAN:

22          Q.       Did anybody share that with  
23          you, sir?

24                   MS. PETTY:  Same objections.

25                   THE WITNESS:  Either one of my



1 HAZMAT managers or one of the  
2 contractors, whether it was Drew or  
3 Chip, said there were folks from Oxy  
4 in Texas who did not believe the  
5 product was polymerizing. They never  
6 said definitively.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. There were calls with folks  
9 from Oxy Vinyls on the evening of  
10 February 4th.

11 Right?

12 MS. PETTY: Objection.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. With the situation room in  
15 Dallas?

16 MS. PETTY: Objection.

17 You can answer, if you know.

18 THE WITNESS: There may have  
19 been. I was not a part of those  
20 conversations.

21 QUESTIONS BY MR. BUCHANAN:

22 Q. Not aware that there were  
23 communications between your team and the  
24 experts from Oxy Vinyls on their product  
25 about whether it was polymerizing or not?

1 MS. PETTY: Objection.

2 Foundation.

3 MR. FUKUMURA: And compound.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. That evening of the 4th?

6 A. I do not know -- I knew  
7 conversations had taken place either between  
8 the contractors and Oxy or our folks and Oxy.  
9 When exactly those took place, I do not know.

10 Q. You arrive on the scene, as I  
11 understand it, sir, on the morning of  
12 February 4th. That's a Saturday.

13 Is that right?

14 A. Yes.

15 Q. That point in time, fire  
16 suppression activities had ceased following  
17 Mr. Deutsch's advice on that.

18 Correct?

19 MS. PETTY: Objection. Lacks  
20 foundation.

21 THE WITNESS: There were still  
22 active fires at the site when I  
23 arrived there. There were no fire  
24 suppression activities going on.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. When you say "fire  
3 suppression," there was -- water wasn't being  
4 sprayed from ladder towers or individuals.

5 Right?

6 MR. FUKUMURA: Objection.

7 Foundation.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. When you arrived.

10 A. I saw no fire suppression  
11 activities.

12 Q. Foam was not being sprayed.

13 Right?

14 A. To my knowledge, no.

15 Q. You had a foam tank on site.

16 Right?

17 MS. PETTY: Objection.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Didn't your team call one in?

20 A. Yes, we had foam supplies  
21 there.

22 Q. Foam was not used as fire  
23 suppression.

24 Right?

25 MS. PETTY: Objection. Vague

1 as to time.

2 THE WITNESS: Yes, foam was  
3 used --

4 QUESTIONS BY MR. BUCHANAN:

5 Q. During the time you were there.

6 A. Foam was eventually used to put  
7 out spot fires.

8 Q. Okay. On what days?

9 A. I believe it would have started  
10 on either Saturday afternoon or Sunday  
11 morning, I believe.

12 Q. Okay. Water was not being used  
13 to cool the tanks.

14 Right?

15 A. To cool which tanks?

16 Q. Any of the areas that were in  
17 the pool fire.

18 A. There were no tanks being  
19 cooled, mostly because the five tanks that we  
20 were concerned about are jacketed tanks. So  
21 spraying water on the jacket serves no  
22 purpose. It's not actually contacting the  
23 actual tank.

24 Q. And so they're insulated from  
25 heat?

1 MS. PETTY: Objection.

2 THE WITNESS: They are jacketed  
3 and have a thermal blanket around them  
4 that's designed to last 100 minutes.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. As of the time you were there,  
7 sir, I take it PRDs had been going off on  
8 various tanks.

9 Is that right?

10 A. PRDs had been going off over a  
11 period of time since -- I don't know whether  
12 they began before midnight on the 3rd or  
13 whether into the morning of the 4th.

14 Q. So we're clear on the time, on  
15 the 3rd, no breaches in any of the vinyl  
16 chloride cars.

17 Right?

18 A. There were no --

19 MS. PETTY: Objection.

20 THE WITNESS: There were no  
21 breaches to the vinyl chloride tanks.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. As of the 4th, no breaches to  
24 the vinyl chloride cars.

25 Right?

1 MS. PETTY: Objection.

2 THE WITNESS: There had been  
3 venting of burning product from all of  
4 those, from the PRDs and from the  
5 liquid and vapor lines on the cars.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Right.

8 And PRDs are supposed to vent  
9 when pressure rises, right?

10 A. PRD --

11 MS. PETTY: Objection.

12 THE WITNESS: Sorry.

13 PRDs are supposed to. The  
14 liquid and vapors lines are not.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. And you had a call with Oxy  
17 Vinyl that night of the 4th, that Saturday.  
18 Right?

19 Not you, but your team, right?

20 MS. PETTY: Objection.

21 MR. FUKUMURA: Objection.

22 Asked and answered.

23 THE WITNESS: There were  
24 conversations between contractor, I  
25 believe our personnel. When those

1           occurred, I couldn't answer to that,  
2           exactly when.

3       QUESTIONS BY MR. BUCHANAN:

4           Q.       Could you pull out, please,  
5       Exhibit 3, sir? Go to 91.

6                   Who is Jon Simpson, sir?

7                   MR. FUKUMURA: Pull out  
8       Exhibit 3.

9                   THE WITNESS: I'm looking at  
10       the wrong one.

11                  Jon Simpson is one of the  
12       Norfolk Southern HAZMAT managers.

13       QUESTIONS BY MR. BUCHANAN:

14           Q.       Okay. And what region does he  
15       cover, sir?

16           A.       Jon is based out of Louisville,  
17       Kentucky, and has an initial response  
18       territory, but all of our HAZMAT managers  
19       overlap territories depending on an incident.

20           Q.       And Mr. Simpson was interacting  
21       with Oxy Vinyls.

22                   Is that right?

23                   MS. PETTY: Objection.

24       QUESTIONS BY MR. BUCHANAN:

25           Q.       Did you have that awareness,

1       sir, that Mr. Simpson was interacting with  
2       Oxy Vinyls?

3               A.       I'm not sure who from NS HAZMAT  
4       was conversing with -- other than the initial  
5       notification. I know David Patten made the  
6       initial notifications.

7               After that, I'm -- I do not  
8       know exactly who from NS on a given  
9       conversation was part of it.

10              Q.       Did you know, sir, that Oxy  
11       Vinyls had assembled a special situations  
12       team in Dallas to be prepared as your subject  
13       matter expert to address issues you had with  
14       regard to the vinyl chloride?

15              MS. PETTY: Objection.

16              THE WITNESS: I don't know  
17       about a team. I know they had  
18       personnel that were part of  
19       conversations. Whether they were  
20       described as a team, I cannot say.

21       QUESTIONS BY MR. BUCHANAN:

22              Q.       Okay. You had some  
23       interactions, or at least Norfolk Southern  
24       did, with a Jon Simpson, and he was on that  
25       initial interaction with Oxy Vinyls.



1 Right?

2 MS. PETTY: Objection to the  
3 form.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Do you have that knowledge one  
6 way or the other, sir, whether Mr. Simpson  
7 was in those conversations with Oxy Vinyl?

8 A. The initial communications to  
9 Oxy Vinyls I believe was made by David  
10 Patten --

11 Q. Okay.

12 A. -- through CHEMTREC.

13 Q. With regard to questions about  
14 the compound itself and whether it would  
15 polymerize, et cetera, was Mr. Simpson the  
16 person who was engaging with them on that?

17 MS. PETTY: Objection. Asked  
18 and answered.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. For Norfolk Southern.

21 MS. PETTY: Asked and answered.

22 THE WITNESS: Jon very well may  
23 have spoken with them.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Did anyone in your team report

1 back to you that the Oxy Vinyls experts out  
2 of Dallas had said there's no way for  
3 polymerization to be going on without leaving  
4 a temperature signature?

5 MS. PETTY: Objection.

6 MR. FUKUMURA: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Did anybody share that with  
9 you, sir?

10 A. Again --

11 MS. PETTY: Objection.

12 THE WITNESS: -- conversations  
13 between our contractors, NS personnel,  
14 whether that was Scott Gould, Jon  
15 Simpson, Scott Deutsch, whoever from  
16 HAZMAT, Chip Day and Drew McCarty, I  
17 don't know who was involved with all  
18 the conversations with Oxy.

19 The word passed on to me was,  
20 they didn't believe the product was  
21 polymerizing. Never could say  
22 definitively it was not.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. Did you ever reach out to  
25 connect up with them before you did this, I

1 guess, unprecedented act for Norfolk  
2 Southern, venting and burning a railcar?

3 MS. PETTY: Objection.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Did you yourself say, I want to  
6 talk to these folks?

7 MS. PETTY: Objection.

8 THE WITNESS: I did not.

9 My staff and our contractors  
10 handled that communication.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. I mean, you spoke to  
13 Chief Drabick about this issue, didn't you,  
14 sir?

15 A. I did.

16 MS. PETTY: Objection. Vague.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Before going to Chief Drabick,  
19 you didn't attempt to go to the subject  
20 matter expert yourself and understand really  
21 what the state of the evidence was, the state  
22 of the risks were, by speaking to them  
23 yourself?

24 MS. PETTY: Objection. Lacks  
25 foundation. Assumes facts.

1                   THE WITNESS: I had no  
2                   conversations with Oxy Vinyls about  
3                   the product.

4                   Persons from my staff and our  
5                   expert contractors had multiple  
6                   conversations with them from people in  
7                   Texas as well as people who ultimately  
8                   showed up on site.

9                   I was not part of those  
10                  conversations.

11               QUESTIONS BY MR. BUCHANAN:

12               Q.       Who from Oxy Vinyls, sir, said  
13               that the product in those railcars was  
14               polymerizing?

15               MS. PETTY: Objection.

16               QUESTIONS BY MR. BUCHANAN:

17               Q.       Who?

18               MS. PETTY: Objection.

19               THE WITNESS: I don't know of  
20               anyone.

21               QUESTIONS BY MR. BUCHANAN:

22               Q.       You did -- was it reported back  
23               to you, sir, that if this vinyl chloride --  
24               we're talking about a constituent molecule.  
25               If it's going to polymerize, it's going to

1 generate a lot of heat.

2 Was that shared with you?

3 A. That was shared, but that's a  
4 common component of all monomers.

5 Q. Right.

6 And they said that if you were  
7 worried about polymerization, you can find  
8 out if it's polymerizing by looking to see if  
9 the temperature is increasing.

10 Right?

11 MS. PETTY: Objection. Vague  
12 as to "they."

13 QUESTIONS BY MR. BUCHANAN:

14 Q. The Oxy Vinyls folks out of  
15 Dallas, that's what they shared with your  
16 team.

17 Did anybody share that with  
18 you?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 Foundation.

22 Do you know what the question  
23 is?

24 THE WITNESS: Did we know if --  
25 that if the product was polymerizing,

1           it would get hot? Yes.

2       QUESTIONS BY MR. BUCHANAN:

3           Q.       I mean, ultimately you started  
4       to look at temperatures.

5                    Right?

6                    MS. PETTY: Objection.

7                    MR. FUKUMURA: Objection.

8       QUESTIONS BY MR. BUCHANAN:

9           Q.       Didn't Norfolk Southern,  
10       through its contractors, start to monitor  
11       their temperatures after speaking with Oxy  
12       Vinyls about this temperature signature?

13                   MR. FUKUMURA: Objection.

14                   MS. PETTY: Objection.

15                   THE WITNESS: Because the cars  
16       had been involved in pool fires,  
17       monitoring temperatures is part of  
18       damage assessment. So, yes, we would  
19       have monitored temperature of the cars  
20       where available to us.

21       QUESTIONS BY MR. BUCHANAN:

22           Q.       I want to be clear, sir. You  
23       weren't monitoring all the cars that were in  
24       pool fires for temperature.

25                    Right?

1 MS. PETTY: Objection.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. You were just monitoring the  
4 VCM cars.

5 Right?

6 MS. PETTY: Objection.

7 THE WITNESS: That's incorrect.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. The data you were tracking,  
10 sir, the spreadsheet that you created, you  
11 were tracking temperatures on the VCM cars.

12 Correct, sir?

13 MS. PETTY: Objection.

14 THE WITNESS: That is correct.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. We move into Sunday morning.  
17 After you have your Saturday evening call  
18 with the Oxy Vinyls folks, you had another  
19 call.

20 MR. FUKUMURA: Objection.

21 MS. PETTY: Objection.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Right?

24 A. I did not have any call with  
25 Oxy Vinyls.

1           Q.       So after this call on Saturday,  
2       SPSI was already at vent and burn.

3                       Weren't they?

4                       MR. FUKUMURA:  Objection.

5                       MS. PETTY:  Objection.

6                       THE WITNESS:  The concerns  
7       about the fear of runaway  
8       polymerization with the cars were real  
9       to us.

10                      There were every indication,  
11       there is a history with monomers, that  
12       monomers will have a runaway -- when  
13       they start polymerizing, they will run  
14       away and there will be catastrophic  
15       failures of a railcar if they're not  
16       dealt with.  It has happened before.

17       QUESTIONS BY MR. BUCHANAN:

18           Q.       And the folks, Oxy Vinyls, said  
19       the content of those cars is not  
20       polymerizing.  Nobody shared that with you.

21                      Correct?

22                      MS. PETTY:  Objection.

23                      MR. FUKUMURA:  Objection.

24                      THE WITNESS:  The information  
25       shared with me was that Oxy believed



1 the product was not polymerizing.

2 They never said this product would not  
3 polymerize.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Well, let's talk about that.

6 Who is Mr. Thomas, sir?

7 A. I believe he -- there's someone  
8 named Thomas who was with Oxy. I believe.

9 Q. When you say so definitively,  
10 sir, nobody said that, you're not aware  
11 that's exactly what was said?

12 MR. FUKUMURA: Objection.

13 Asked and answered --

14 MS. PETTY: Objection.

15 MR. FUKUMURA: -- 14 times.

16 THE WITNESS: No one said that  
17 to me.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Okay. So when the Oxy Vinyl  
20 folks shared that with Norfolk Southern  
21 representatives and its contractors, let me  
22 be clear, "polymerization is not  
23 occurring," you're saying nobody shared that  
24 with you?

25 MS. PETTY: Objection.

1 MR. FUKUMURA: Objection.

2 Foundation.

3 THE WITNESS: No. The word  
4 shared with me was Oxy did not believe  
5 it was polymerizing.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Okay. Nobody shared with you  
8 that Oxy told SPSI and Norfolk Southern,  
9 don't vent and burn because of  
10 polymerization, because polymerization was  
11 not occurring?

12 MS. PETTY: Objection.

13 MR. FUKUMURA: Objection.

14 MS. PETTY: Assumes facts.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. No one shared that with you?

17 A. No one shared anything other  
18 than they believed the product was not  
19 polymerizing.

20 Q. So the evening of the 4th and  
21 the morning of the 5th, the Oxy folks are  
22 sharing with your team, don't vent and burn  
23 because of polymerization, because it's not  
24 happening. And that information is not being  
25 shared with you, sir.

1 Correct?

2 MS. PETTY: Objection. Asked  
3 and answered. Assumes facts. Lacks  
4 foundation.

5 MR. FUKUMURA: Compound.

6 MS. PETTY: And compound.

7 THE WITNESS: Again, the  
8 information was shared that Oxy did  
9 not believe the product was  
10 polymerizing.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. Well, the jury will  
13 decide what Oxy shared. It'll be a full  
14 record for the jury.

15 MR. FUKUMURA: There's no  
16 question.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. My question to you, sir, is,  
19 nobody shared that with you.

20 Correct?

21 MR. FUKUMURA: Asked and  
22 answered 16 times.

23 MS. PETTY: Objection. Assumes  
24 facts. Asked and answered.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. The jury will have a full  
3 record.

4 I just want to know factually,  
5 sir, did anybody share that information with  
6 you that I just related?

7 MR. FUKUMURA: Objection.

8 MS. PETTY: Objection.

9 MR. FUKUMURA: Asked and  
10 answered now 17 times.

11 THE WITNESS: What was shared  
12 with me was that Oxy believed the  
13 product was not polymerizing.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. When you were interviewed with  
16 the NTSB, sir, in I believe it's Exhibit 1,  
17 and -- you told the NTSB that some folks from  
18 Oxy Vinyls said they didn't believe the  
19 product would polymerize but others who  
20 definitely said, yes, this stuff is going to  
21 polymerize.

22 Do you recall telling the NTSB  
23 that in your interview, sir?

24 MR. FUKUMURA: What page are  
25 you referring to?

1 MR. BUCHANAN: I'm sorry, it's  
2 .12, sir. Exhibit 1.

3 MR. FUKUMURA: Take your time  
4 and look at it.

5 THE WITNESS: I'm sorry. I'm  
6 trying to see where --

7 MR. BUCHANAN: I'm sorry. It's  
8 .13, page 12. My apologies, sir.

9 MR. FUKUMURA: You can start at  
10 12.

11 MR. BUCHANAN: Yeah, that's  
12 fine.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. It reads here, sir, "We got  
15 differing opinions from Occidental. Some  
16 said this product, they didn't believe, would  
17 polymerize, and others who definitely said,  
18 yes, this stuff is going to polymerize."

19 Do you see that?

20 A. Yes.

21 Q. You told the NTSB that there  
22 were Oxy Vinyl folks or Occidental folks who  
23 said, who definitely said, yes, this stuff is  
24 going to polymerize.

25 That's what you said, right?

1 MS. PETTY: Objection.

2 THE WITNESS: That was the  
3 information relayed to me, I believe,  
4 from Drew McCarty.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. Okay. Who definitely said yes  
7 from Oxy Vinyls, the stuff is going to  
8 polymerize, sir?

9 MS. PETTY: Objection.

10 MR. FUKUMURA: Objection.  
11 Foundation.

12 MS. PETTY: Calls for  
13 speculation.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. Do you know? Do you know from  
16 that -- from what you heard from Mr. McCarty?

17 A. I believe it was from one of  
18 the representatives on site.

19 Q. Oh. Who said it was definitely  
20 going to polymerize?

21 A. That's what I was told.

22 Q. And you didn't share with the  
23 NTSB in your interview that the Oxy Vinyls  
24 folks who you spoke to on -- from the  
25 situation room in Dallas said it's not going

1 to polymerize?

2 MR. FUKUMURA: Objection.

3 Misstates testimony.

4 MS. PETTY: Objection.

5 Same objection.

6 THE WITNESS: Again, the word  
7 from -- that was given to me, the  
8 people in Texas believed the product  
9 wasn't polymerizing. And they were  
10 saying that from Texas, not from East  
11 Palestine.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. Right.

14 And they said, don't vent and  
15 burn because of polymerization, because it's  
16 not polymerizing.

17 MR. FUKUMURA: Objection.

18 MS. PETTY: Objection.

19 MR. FUKUMURA: Asked and  
20 answered.

21 QUESTIONS BY MR. BUCHANAN:

22 Q. We can agree you didn't share  
23 that with the NTSB in the interview.

24 Correct?

25 MR. FUKUMURA: Share what?

1                   Objection.   Misstates  
2                   testimony.

3                   MS. PETTY:   Foundation.  
4                   Objection.   Asked and answered.

5                   THE WITNESS:   That information  
6                   was never given to me, that Oxy said  
7                   this was definitely not polymerizing.

8       QUESTIONS BY MR. BUCHANAN:

9               Q.       Pretty important information,  
10            you'd agree?

11                   MS. PETTY:   Objection.

12                   MR. FUKUMURA:   Objection.

13                   What?

14                   THE WITNESS:   All information  
15                   in an emergency is important.

16       QUESTIONS BY MR. BUCHANAN:

17               Q.       It's certainly, sir, important  
18            information that should be shared with  
19            decision-makers making important decisions  
20            about whether to conduct a vent and burn.

21                   Right?

22                   MR. FUKUMURA:   Objection.

23                   Foundation.

24                   MS. PETTY:   Objection.

25                   MR. FUKUMURA:   Compound.



1 THE WITNESS: Again, all  
2 information relative to an emergency  
3 is important.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Sure.

6 Certainly if the concern is a  
7 runaway polymerization reaction and the  
8 consequences thereof, it would be important  
9 to share that the experts on the product have  
10 said the product is not polymerizing.

11 You'd agree with that, right?

12 MS. PETTY: Objection.

13 THE WITNESS: That's  
14 hypothetical. That's not what's --  
15 what was said. They believed it  
16 wasn't polymerizing.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Well, I'm sorry, sir, but,  
19 respectfully, you didn't speak to Oxy Vinyl.  
20 Right?

21 A. That is correct.

22 Q. And when this information was  
23 relayed to you -- I think you've  
24 characterized as you had different  
25 viewpoints -- you never reached out to the

1 folks in the situation room at Oxy Vinyls  
2 before making this important recommendation.

3 Did you, sir?

4 MR. FUKUMURA: Objection.

5 MS. PETTY: Objection.

6 MR. FUKUMURA: Compound.

7 Foundation.

8 THE WITNESS: I did not reach  
9 out to them, but the subject matter  
10 experts we had on-scene had. Other NS  
11 personnel had that are subject matter  
12 experts as well.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. So, sir, are you saying then if  
15 the folks from Oxy Vinyls had said, this is  
16 not polymerizing, don't conduct a vent and  
17 burn, that was shared with your contractors,  
18 that was not shared with you?

19 Is that what you're saying?

20 MS. PETTY: Objection.

21 MR. FUKUMURA: Objection.

22 MS. PETTY: Vague.

23 THE WITNESS: That information  
24 in those words was not shared with me.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. And was it Mr. Williams who  
3 told the Oxy Vinyls folks not to communicate  
4 with anybody other than SPSI?

5 MR. FUKUMURA: Objection.

6 MS. PETTY: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. After they got on site?

9 MS. PETTY: Objection. Assumes  
10 facts. Lacks foundation. Calls for  
11 speculation.

12 THE WITNESS: I would have to  
13 have context. First I need to find  
14 out, is this Paul Williams we're  
15 referring to?

16 QUESTIONS BY MR. BUCHANAN:

17 Q. Yes.

18 A. Paul was assigned as a liaison  
19 for site visits, and he would have instructed  
20 them to go through SPSI because they were  
21 handling emergency operations at the site to  
22 tell them where it was safe to go and where  
23 not safe to go.

24 Q. And you had Oxy Vinyl people on  
25 the site Sunday afternoon.

1 Right, sir?

2 MS. PETTY: Objection.

3 THE WITNESS: I believe they  
4 were there Sunday afternoon, yes.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. You had them a phone call away  
7 in Dallas in their situation room.

8 Right, sir?

9 MS. PETTY: Objection. Asked  
10 and answered.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. You're aware of that?

13 A. Yes.

14 Q. And when the situation is  
15 arising, sir, the afternoon, Sunday,  
16 Mr. Williams cordons off the SPSI folks and  
17 said they're only to talk to the contractor.

18 Right? SPSI?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 MS. BROZ: Objection. Form.

22 MS. PETTY: Vague.

23 THE WITNESS: What was the  
24 question?

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Are you aware, sir, that  
3 Mr. Williams directed that Oxy Vinyl reps  
4 were not to communicate with NTSB, Norfolk  
5 Southern, unified command? All  
6 communications were to go to SPSI and not  
7 others?

8 MR. FUKUMURA: Objection.

9 MS. PETTY: Objection. Lacks  
10 foundation. Compound.

11 THE WITNESS: No, I'm not aware  
12 of that.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. That instruction didn't come  
15 from you?

16 MR. FUKUMURA: Objection.

17 MS. PETTY: Objection.

18 THE WITNESS: No.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Let's go through the sequence  
21 of events, if we could, on Sunday afternoon,  
22 February 5, 2023.

23 There was a series of  
24 interactions between Norfolk Southern,  
25 whether by telephone or in person, also

1 including contractors and representatives  
2 from Oxy Vinyl.

3 You are aware of that, correct?

4 MR. FUKUMURA: Objection.

5 MS. PETTY: Objection.

6 THE WITNESS: I know there were  
7 conversations. I was not a part of  
8 conversations with Oxy Vinyls.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. Understood.

11 You've told us about what was  
12 relayed or not relayed to you from those  
13 conversations.

14 Right?

15 MS. PETTY: Objection.

16 THE WITNESS: Yes.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. There's obviously other  
19 testimony from Oxy Vinyls representatives and  
20 others about what was communicated or not  
21 communicated in those meetings.

22 I take it you would defer to  
23 the participants in those conversations.

24 Fair?

25 A. I'm not sure what you're

1 asking.

2 Q. You weren't in the  
3 conversations?

4 A. No, I was not.

5 Q. So then tell us about the  
6 meeting where you and SPSI decided to do the  
7 vent and burn --

8 MR. FUKUMURA: Objection.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. -- on Sunday afternoon.

11 MS. PETTY: Objection. Assumes  
12 facts. Lacks foundation.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. You were in that meeting.

15 Right?

16 MS. PETTY: Objection. Lacks  
17 foundation. Assumes facts.

18 THE WITNESS: Norfolk Southern  
19 hadn't decided to do a vent and burn.  
20 We believed that was going to be the  
21 only alternative and that we needed to  
22 brief the incident commander that we  
23 thought that's what was happening.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. And you called Chief Drabick.

1 Right?

2 A. No. I walked into his fire  
3 station and talked to him personally.

4 Q. And put some time on that if  
5 you could for us, sir. When was that in the  
6 afternoon?

7 A. Late afternoon? I want to say  
8 somewhere around five o'clock.

9 Q. And am I correct, sir, that you  
10 provided Chief Drabick with about the same  
11 update that you shared with the NTSB at six  
12 o'clock that evening?

13 MS. PETTY: Objection.

14 THE WITNESS: I provided him  
15 the information of what we believed  
16 that we had problems with the vinyl  
17 chloride cars, that we had a  
18 polymerization issue with a potential  
19 railcar failure.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. And it was essentially the same  
22 update you provided to the NTSB at six  
23 o'clock.

24 Right?

25 MR. FUKUMURA: Objection.



1 MS. PETTY: Objection.

2 MR. FUKUMURA: Foundation.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. You don't recall previously  
5 stating that, sir?

6 MS. PETTY: Objection.

7 THE WITNESS: Yes, it was  
8 substantively about the same  
9 information.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Okay. Do you have P -- I'm  
12 sorry. Do you have Exhibit 3 before you,  
13 sir?

14 A. Yes.

15 Q. Okay.

16 MR. FUKUMURA: What page?

17 QUESTIONS BY MR. BUCHANAN:

18 Q. We are going to .77.

19 This is the Hazardous Materials  
20 Group Chair's Factual Report from the NTSB  
21 hearing.

22 Do you see that, sir?

23 A. Yes.

24 Q. And if we can go to the heading  
25 at dot -- I'm sorry. The description at the

1 top of .77 says, "At the NTSB progress  
2 meeting on February 5, 2023, at 6 p.m."

3 Do you see that?

4 A. Yes.

5 Q. It says 18:00, but...

6 All right. "The Norfolk  
7 Southern systems manager for hazardous  
8 materials reported the following."

9 Do you see that?

10 A. Yes.

11 Q. Okay. You are the Norfolk  
12 Southern systems manager for hazardous  
13 materials?

14 A. Yes.

15 Q. And you're the one who provided  
16 that report to NTSB?

17 A. Yes.

18 Q. And this is essentially the  
19 same report you provided to Chief Drabick in  
20 the firehouse.

21 Right?

22 MS. PETTY: Objection.

23 MR. FUKUMURA: Objection.

24 THE WITNESS: Yes.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. You can go to the bottom here.

3 And if we have our sequence, our timeline,  
4 correct -- let's just pause away from the  
5 document for a second, sir.

6 The company had had  
7 interactions through its contractors with Oxy  
8 Vinyls on the evening of the 4th.

9 Right?

10 MS. PETTY: Objection.

11 THE WITNESS: Sometime on the  
12 4th. I don't know exactly when.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. The morning of the 5th.

15 Right?

16 MS. PETTY: Objection.

17 THE WITNESS: Again, I don't  
18 know when all the -- exactly when all  
19 those conversations took place.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. You're aware there were  
22 significant interactions with those folks out  
23 of Dallas.

24 Right?

25 MS. PETTY: Objection.

1 MR. FUKUMURA: Objection.

2 THE WITNESS: I knew there were  
3 interactions, and I -- to clarify. By  
4 the time the 5th -- the 4th and 5th  
5 were there, we had 24-hour shifts  
6 running, and I was running night  
7 shift. So anything that happened  
8 during the day, I physically was not  
9 there. I was there from like 6 p.m.  
10 till 6 a.m. the next morning.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. I think you said you met  
13 with Chief Drabick sometime Sunday afternoon.

14 Right?

15 A. Right. It would have been  
16 right about five o'clock before I took over  
17 my shift.

18 Q. Okay. So you're coming in.  
19 You meet with Chief Drabick. You give him  
20 essentially this update, and then there's a  
21 unified command meeting.

22 Right?

23 A. There was a meeting with city  
24 officials. I'm not sure exactly who all was  
25 there because I wasn't able to attend that

1 entire meeting because I had to leave to go  
2 to Youngstown, Ohio, to the NTSB meeting.

3 Q. Did you present essentially the  
4 same information on .77 to both Chief Drabick  
5 as well as unified command thereafter?

6 MS. PETTY: Objection.

7 THE WITNESS: I did not,  
8 because I was not there. I was at the  
9 NTSB meeting. So the contractors and  
10 NS personnel that were there gave --  
11 really, the NS contractors, SPSI and  
12 SRS, did most of the briefing, was my  
13 understanding.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. At unified command?

16 A. At the meeting at city hall.

17 Q. Okay. Well, let's look at what  
18 you reported to Chief Drabick.

19 It says, "A Norfolk Southern  
20 system manager for hazardous materials" --

21 That's you, second to last  
22 bullet.

23 Do you see that?

24 A. Yes.

25 Q. Okay.

1                   -- "stated the temperature in  
2     one car, as measured with a thermal camera on  
3     the tank shell, had risen to 138 degrees  
4     Fahrenheit."

5                   Do you see that?

6           A.       Yes.

7           Q.       "Whereas 185 degrees Fahrenheit  
8     is the critical temperature for a runaway  
9     polymerization reaction, according to Oxy  
10    Vinyls."

11                  Do you see that?

12          A.       I do.

13          Q.       Okay. Where did you get that  
14    fact from, sir?

15          A.       The 185 critical temperature  
16    would have come from either Chip Day or more  
17    than likely Drew McCarty.

18          Q.       Okay. And you know that's not  
19    true today.

20                  Right?

21                  MS. PETTY: Objection.

22                  MR. FUKUMURA: What's not true?

23                  THE WITNESS: Yes.

24    QUESTIONS BY MR. BUCHANAN:

25          Q.       That at 185 degrees, you have a

1 runaway polymerization reaction.

2 You know that's not true?

3 MR. FUKUMURA: Objection.

4 MS. PETTY: Objection.

5 THE WITNESS: I do not know the

6 exact temperature at which a runaway

7 reaction takes place, but all the

8 information says at 185, the pressure

9 of the product in the tank makes the

10 PRDs open up --

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay.

13 A. -- which makes the car unsafe

14 to be around.

15 Q. Well, I mean, the PRD --

16 MR. FUKUMURA: Are you done

17 with your answer?

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Oh, I'm sorry.

20 Are you done with your answer?

21 A. Yes.

22 Q. I mean, the PRDs had been going

23 off at various points in time over those two

24 days.

25 Right?

1 A. Yes.

2 Q. Okay. And there had been no  
3 polymerization, or at least Oxy Vinyls had  
4 told you there had been no polymerization, as  
5 of that point in time despite the PRDs going  
6 off?

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Objection.

9 MS. PETTY: Lacks foundation.  
10 Compound.

11 THE WITNESS: Again, Oxy -- the  
12 word passed to me was Oxy said they  
13 believed the material was not  
14 polymerizing.

15 The critical -- the critical  
16 aspect of 185 is when the product  
17 starts approaching higher  
18 temperatures, the curve of the  
19 reaction goes up sharply. So you get  
20 faster increase in temperature, faster  
21 increase of reaction, to critical.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Okay.

24 A. But the 185 was more -- my  
25 understanding is the pressures would be



1 enough that if the PRDs start going off, you  
2 can't be around the cars.

3 Q. You didn't have the  
4 understanding, sir, that when the pressure  
5 release devices went off, that whenever they  
6 went off, that actually has a cooling effect?  
7 You didn't have that knowledge, sir?

8 MS. PETTY: Objection.

9 MR. FUKUMURA: Objection.

10 THE WITNESS: The PRDs in the  
11 fire, they operated as they're  
12 designed to operate.

13 But we had one of the cars,  
14 five and a half hours out of being out  
15 of any fire, the PRD went off for like  
16 70 minutes. That was one of the first  
17 things that alarmed us. The car  
18 hadn't been in a pool fire, I believe,  
19 for over five and a half hours.

20 So any rise in temperature is a  
21 concern to us.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. My question, sir, was just you  
24 didn't have the knowledge, sir, that when the  
25 PRDs go off, the contents of the car cooled?

1 MS. PETTY: Objection.

2 MR. FUKUMURA: Objection.

3 Lacks foundation. Assumes facts.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Did you know that or not know  
6 that? That's just my question.

7 MS. PETTY: Same objections.

8 THE WITNESS: Anytime with a  
9 liquified gas, when it releases a  
10 vapor at high speed, you can have a  
11 cooling effect to the product.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. You said can, right?

14 A. Yes.

15 Q. Okay. That's what I thought.

16 MR. FUKUMURA: We've been going  
17 about an hour.

18 MR. BUCHANAN: I'm fine with a  
19 break.

20 VIDEOGRAPHER: Okay. We are  
21 now going off the video record. The  
22 time is currently 11:03 a.m.

23 (Off the record at 11:03 a.m.)

24 VIDEOGRAPHER: We are now back  
25 on the video record. The time is

1           currently 11:17 a.m.

2           QUESTIONS BY MR. BUCHANAN:

3           Q.       Thank you, Mr. Wood. I'd like  
4           to circle back to where we were. I believe  
5           this is exhibit -- we are at Exhibit 3. We  
6           were on that page, top right corner, said  
7           .77.

8                       Again, this is your report to  
9           the NTSB at a progress meeting at 6 p.m. on  
10          that Sunday, February 5th.

11                     Do you see that summary?

12          A.       Yes.

13          Q.       I think you told us, sir, that  
14          you had met with Chief Drabick in the  
15          firehouse not too far but before this time.  
16          But roughly what is it, 4:30, five o'clock  
17          that day?

18          A.       It was somewhere around five  
19          o'clock, yes.

20          Q.       Okay. You participated in part  
21          of the unified command meeting. Then you had  
22          to leave to get to the NTSB progress meeting.

23                     Correct?

24          A.       I was there for the start of  
25          the meeting.

1 Q. Okay. So what time did you  
2 leave?

3 You know, how long did it take  
4 you to get to Youngstown for these progress  
5 meetings with the NTSB?

6 MS. PETTY: Objection.  
7 Compound.

8 THE WITNESS: It usually takes  
9 about 30 to 45 minutes. It depends on  
10 traffic.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. And is that how you're  
13 timing about how long you got to spend at the  
14 unified command meeting?

15 A. It would have been somewhere  
16 close to five, maybe ten minutes.

17 Q. Okay. All right. And how did  
18 that work, sir, these NTSB progress meetings?  
19 Were you -- were you syncing up with folks  
20 more broadly at Norfolk Southern before you  
21 went in to talk to the NTSB?

22 MS. PETTY: Objection.

23 THE WITNESS: No. I was part  
24 of the hazardous materials chair, so  
25 everything I did strictly dealt with

1           what the HAZMAT team at NTSB were  
2           dealing with.

3                   (Wood Exhibit 6 marked for  
4           identification.)

5       QUESTIONS BY MR. BUCHANAN:

6           Q.       Okay. Could I have P304,  
7       please?

8                   Here you are, sir.

9                   Passing you what we've just  
10       marked as Exhibit 6 to your deposition, this  
11       is an e-mail invite for a Teams call, a whole  
12       bunch of folks. You can -- you can search  
13       through. I think you'll see you're among  
14       those that are invited to be on this.

15                  The note goes out at 5:15,  
16       that's Sunday afternoon, for a Teams meeting  
17       with, lord, a whole bunch of folks with high  
18       importance, 5:30.

19                  Do you see that?

20                 MR. FUKUMURA: There's no  
21       question.

22                 MS. PETTY: Objection.

23                 MR. BUCHANAN: There's a  
24       question.

25                 MR. FUKUMURA: I see --

1 THE WITNESS: Yes, I see the  
2 e-mail.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. Right.

5 I mean, you -- I guess Norfolk  
6 Southern used Teams. You have these kind of,  
7 what, videoconferences or teleconferences  
8 through that service?

9 A. Yes. Norfolk Southern uses  
10 Teams.

11 Q. Okay. You recall using it  
12 during this period of time, sir, 4th, 5th,  
13 6th, to sync up with broader Norfolk Southern  
14 folks on various issues related to the  
15 derailment?

16 MS. PETTY: Objection.

17 THE WITNESS: I'm sure I  
18 participated in some briefings on the  
19 incident. I'm sure I did.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. And you're listed here as a  
22 required attendee.

23 Do you see that?

24 A. Yes, I see that.

25 Q. So this would be after the

1 point in time when you had your conversation  
2 in the firehouse with Chief Drabick. After,  
3 I guess, you'd left the unified command  
4 meeting on your way to the NTSB briefing.

5 Right?

6 MR. FUKUMURA: Objection.

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Foundation.

9 THE WITNESS: The timing --  
10 that's the timing of this.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. And were there folks  
13 besides yourself that were interacting with  
14 you?

15 I mean who weren't kind of on  
16 the ground there, interacting with you from  
17 Norfolk Southern as to what to communicate or  
18 not communicate with the NTSB?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 THE WITNESS: No.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. What was the process, sir,  
24 through which you generated the messages you  
25 were going to share with the NTSB?

1 MR. FUKUMURA: Objection.

2 MS. PETTY: Objection.

3 THE WITNESS: My knowledge from  
4 incident briefings and observations.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. You share back on this Teams  
7 call with dozens to hundreds that the  
8 determination had been made to conduct a vent  
9 and burn of the vinyl chloride?

10 MS. PETTY: Objection.

11 MR. FUKUMURA: Objection.  
12 Foundation.

13 MS. PETTY: Foundation.  
14 Assumes facts.

15 THE WITNESS: I'm not sure  
16 whether I was on this Teams meeting or  
17 not. There were regular briefings, so  
18 I don't know whether I was actually on  
19 this one here or not. I don't know.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Well, before Norfolk Southern,  
22 through you, recommended to Chief Drabick to  
23 do a vent and burn, and you shared the  
24 information that you shared and didn't share  
25 the information you didn't share, did you



1       consult with people more broadly within  
2       Norfolk Southern?

3                       MR. FUKUMURA:  Objection.

4                       MS. PETTY:  Objection.

5                       THE WITNESS:  All the  
6                       information was passed on to my  
7                       superiors, yes.

8       QUESTIONS BY MR. BUCHANAN:

9               Q.       Okay.  And who were your  
10              superiors?

11             A.       David Schoendorfer was my  
12             direct supervisor, and our department head  
13             was Helen Hart.

14             Q.       So you're interacting with  
15             those folks on this decision and what the Oxy  
16             Vinyls people were saying or not saying?

17                      MS. PETTY:  Objection.

18                      MR. FUKUMURA:  Objection.

19                      MS. PETTY:  Vague.

20                      THE WITNESS:  I was passing on  
21                      briefings, yes, to my upper  
22                      management.

23       QUESTIONS BY MR. BUCHANAN:

24             Q.       Okay.  And to your knowledge,  
25             sir, were they passing it on to their upper

1 management?

2 MR. FUKUMURA: Do you know?

3 THE WITNESS: I do not know for  
4 sure who they passed the information  
5 on to.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Well, this was a big deal.  
8 Right?

9 MR. FUKUMURA: Objection.

10 MS. PETTY: Objection.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. This derailment generally was a  
13 big deal.  
14 Right?

15 MS. PETTY: Objection.

16 THE WITNESS: Yes.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. The decision to conduct a vent  
19 and burn on a vinyl chloride car was a big  
20 deal.

21 Right?

22 MS. PETTY: Objection.

23 THE WITNESS: Yes.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. You weren't keeping that

1 decision-making -- that decision-making  
2 process from your superiors, were you, sir?

3 MS. PETTY: Objection.

4 THE WITNESS: No.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. Were you getting their input,  
7 sir, on the decision to vent and burn or not?

8 MS. PETTY: Objection. Vague  
9 as to "decision."

10 THE WITNESS: Any briefings  
11 that went to my supervisors included  
12 input that I was getting from  
13 contractors and otherwise about the  
14 incident.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. And did you get input back from  
17 them?

18 A. I'm sure I did. Nothing  
19 directly related to the vent and burn that I  
20 recall.

21 Q. Who from Norfolk Southern, sir,  
22 was involved in the decision to vent and burn  
23 beyond yourself? Mr. Deutsch?

24 MR. FUKUMURA: Objection.

25 MS. PETTY: Assumes facts.

1 Lacks foundation.

2 THE WITNESS: I do not know  
3 everyone who was involved. I know who  
4 was in direct contact. That would  
5 have been Mr. Schoendorfer and  
6 Ms. Hart.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Okay.

9 A. Along with the others on site.

10 Q. Okay. Mr. Schoendorfer and  
11 Ms. Hart were involved with the decision to  
12 vent and burn?

13 MS. PETTY: Objection.

14 MR. FUKUMURA: Objection.

15 Misstates testimony as well.

16 MS. PETTY: Assumes facts.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. You can answer.

19 A. They were briefed of everything  
20 on site.

21 Q. Ms. Hart was out of the -- what  
22 was her role?

23 A. Ms. Hart was AVP of safety and  
24 environmental.

25 Q. She's back in the general

1 counsel office now?

2 A. I believe so.

3 Q. Lawyer?

4 A. Yes.

5 Q. And Mr. Schoendorfer, he's the  
6 one that retired for reasons you're not aware  
7 of.

8 Right?

9 A. Mr. Schoendorfer is retired.

10 Q. Okay. Let's go back to  
11 exhibit -- I believe we're at 3, in that  
12 page 77.

13 We started to look at this  
14 before the break, sir. We're on this bullet,  
15 second up from the bottom.

16 This is in your 6 p.m. briefing  
17 to the NTSB where you stated the following,  
18 "The Norfolk Southern system manager for  
19 hazardous materials stated the temperature in  
20 one car, as measured with a thermal camera on  
21 the tank shell, had risen to 138 degrees  
22 Fahrenheit, whereas 185 is the critical  
23 temperature for a runaway polymerization  
24 reaction, according to Oxy Vinyls."

25 Do you see that, sir?

1 MS. PETTY: Objection.

2 Mischaracterizes the document.

3 THE WITNESS: I do see that.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. I read that correctly?

6 A. Yes.

7 Q. Okay. And that's what you told  
8 them.

9 Right?

10 A. Yes.

11 Q. What you told the NTSB and what  
12 you told Chief Drabick, as best you recall?

13 A. Yes.

14 Q. Continues. "The temperature in  
15 one car had increased by 3 degrees in one  
16 hour, suggesting that the VCM lading was  
17 undergoing polymerization."

18 Do you see that, sir?

19 A. Yes.

20 Q. That's what you told the NTSB  
21 at 6 and what you told Chief Drabick an hour  
22 before.

23 Right?

24 A. Yes. There was a 3-degree  
25 increase in temperature outside the presence

1 of a pool fire for hours.

2 Q. That's right.

3 So you told them that the  
4 temperature change that you note here  
5 suggested that the VCM lading was undergoing  
6 polymerization. That's what you reported.

7 Right?

8 MS. PETTY: Objection.

9 THE WITNESS: That is what we  
10 believed.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. And that's what you reported.

13 Correct?

14 MS. PETTY: Objection.

15 THE WITNESS: Yes.

16 QUESTIONS BY MR. BUCHANAN:

17 Q. It continues. "If the vent and  
18 burn is not conducted, the likely outcome  
19 will be a violent explosion with tank car  
20 fragments traveling as much as half a mile  
21 from the site."

22 That's what you told Chief  
23 Drabick?

24 A. To the best of my knowledge,  
25 yes.

1 Q. And the NTSB?

2 A. If that's stated in the report,  
3 then, yes.

4 Q. And as best you recall, that's  
5 what your contractors told the unified  
6 command at the meeting you had to leave  
7 earlier from.

8 Correct?

9 MS. PETTY: Objection.

10 THE WITNESS: I do not know  
11 exactly what they told them.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. You're not aware of them  
14 telling them any different, are you?

15 MS. PETTY: Objection.

16 THE WITNESS: I am not.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. The company -- after  
19 determining to proceed with the vent and  
20 burn, the company started monitoring and,  
21 through its contractors, the temperatures.

22 Right?

23 MS. PETTY: Objection. Assumes  
24 facts.

25 MR. FUKUMURA: Objection.



1 MS. PETTY: Misstates  
2 testimony.

3 MR. BUCHANAN: I don't know. I  
4 think objection to form is what you  
5 get. And I think that's coaching, but  
6 please stop.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Company started monitoring --

9 MS. PETTY: I'm simply stating  
10 the basis.

11 MR. BUCHANAN: What's that?

12 MS. PETTY: I'm simply stating  
13 the basis for the objection.

14 MR. BUCHANAN: I'll ask you if  
15 I need it. Thank you. I'm sure  
16 anybody else will as well if they need  
17 the basis.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. The company started monitoring  
20 temperatures this Sunday afternoon.

21 Right?

22 MR. FUKUMURA: Objection.

23 Asked and answered.

24 THE WITNESS: Our emergency  
25 response contractors, as part of

1 damage assessment, was conducting  
2 sampling of temperatures.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. Too many documents here, sir.  
5 Let me find one.

6 And you're monitoring  
7 temperatures, sir, because the Oxy Vinyls  
8 folks had said if you want to know whether  
9 there's a polymerization reaction going on,  
10 monitor the temperatures?

11 A. No.

12 MS. PETTY: Objection.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. You weren't aware they told you  
15 that, sir?

16 MS. PETTY: Objection.

17 THE WITNESS: No, that's not  
18 the reason why we were monitoring  
19 temperatures.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Oh, I see.

22 You weren't aware, though, that  
23 the Oxy Vinyls folks had told your team that?

24 MS. PETTY: Objection.

25 THE WITNESS: The only

1 information passed to me was that Oxy  
2 believed the product wasn't  
3 polymerizing.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. Okay. So nobody shared with  
6 you that they had said if you had that  
7 concern, monitor temperatures. That was not  
8 shared with you.

9 Correct?

10 A. No one from Oxy shared anything  
11 directly with me.

12 Q. I see.

13 But your team didn't relate  
14 that to you either.

15 Correct?

16 A. I don't recall any discussion  
17 of it, but heat production during  
18 polymerization is a known.

19 (Wood Exhibit 7 marked for  
20 identification.)

21 QUESTIONS BY MR. BUCHANAN:

22 Q. Okay. Here you are, sir.  
23 We're up to Exhibit 7 in your deposition.

24 This is a Group D, Exhibit 9,  
25 entitled "NS E-mail Explanation of Tank Car

1 Temperature Measurements Readings April 13,  
2 2023."

3 Have you seen this before, sir?

4 A. I don't recall the handwritten  
5 notes. The spreadsheet I'm familiar with.

6 Q. Okay. Let's look at the  
7 document at .2. It's an e-mail forwarding a  
8 narrative.

9 I realize you didn't draft the  
10 e-mail, sir, but I just want to see how this  
11 syncs up with your recollection.

12 In the middle it says, "Around  
13 4 p.m. on February 5, Norfolk Southern's  
14 emergency response contractors, SPSI, were  
15 able to enter the site and begin taking  
16 temperature readings of the vinyl chloride  
17 cars."

18 Do you see that?

19 A. Yes.

20 Q. "SPSI's temperature readings  
21 were taken with a hand-held temperature gauge  
22 which displays a digital reading on the  
23 temperature gauge itself but does not have  
24 historical readings. On the night of  
25 February 5th, SPSI's temperature readings

Robert Wood

1       were relayed by phone or text by SPSI to  
2       Robert Wood or Jon Simpson, who then entered  
3       those readings onto a spreadsheet for  
4       tracking purposes."

5                       Do you see that, sir?

6               A.       Yes.

7               Q.       Does that refresh your  
8       recollection, sir, as to whether or not you  
9       were tracking the temperatures in the vinyl  
10      chloride cars?

11                   MS. PETTY:  Objection.

12                   MR. FUKUMURA:  Objection.

13                   THE WITNESS:  There was no  
14      question about I was tracking the  
15      temperatures.

16      QUESTIONS BY MR. BUCHANAN:

17               Q.       And you specifically, sir, were  
18      tracking the vinyl chloride temperatures on a  
19      spreadsheet.

20                   Correct, sir?

21                   MS. PETTY:  Objection.

22                   THE WITNESS:  Yes.

23      QUESTIONS BY MR. BUCHANAN:

24               Q.       Okay.  You were entering  
25      those readings that you were getting relayed

1 to you from SPSI into a spreadsheet.

2 Correct?

3 A. Yes.

4 Q. I take it you would agree, sir,  
5 it would be important to collect and monitor  
6 and report on data accurately?

7 MS. PETTY: Objection.

8 THE WITNESS: Yes.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. I mean, you had been told that  
11 this polymerization reaction was a highly  
12 exothermic reaction.

13 Right?

14 A. I had not been given any --  
15 temperature rise during polymerization is a  
16 known.

17 Q. Okay. I mean, escalating  
18 temperatures would be an indication that  
19 there may be a concern that you needed to act  
20 on.

21 Fair?

22 MS. PETTY: Objection.

23 THE WITNESS: Yes.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. And that's one of the reasons

1       you were monitoring temperatures.

2                       Right?

3                       MS. PETTY:  Objection.

4                       THE WITNESS:  Yes, because  
5               railcars had been exposed to pool  
6               fires.

7       QUESTIONS BY MR. BUCHANAN:

8               Q.       Could I have P106?

9                       MR. FUKUMURA:  He's done with  
10              it.

11                      MR. BUCHANAN:  You can set that  
12              aside.

13       QUESTIONS BY MR. BUCHANAN:

14              Q.       I guess I should -- you recall  
15       getting those temperature readings from your  
16       contractors during the overnight and leading  
17       up to the overnight?

18              A.       Yes.

19                      MR. FUKUMURA:  Objection.

20       QUESTIONS BY MR. BUCHANAN:

21              Q.       And documenting those in a  
22       spreadsheet?

23              A.       Yes.

24                      (Wood Exhibit 8 marked for  
25              identification.)

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Okay. Passing you, sir, what  
3 we're marking as Exhibit 8 to your  
4 deposition.

5 Have you seen this, sir?

6 A. Yes.

7 Q. You recall when you gave  
8 testimony before the NTSB in June, you were  
9 presented with a chart of your temperature  
10 readings.

11 Right? On the vinyl chloride  
12 cars?

13 A. Are you referring to this  
14 chart?

15 Q. I am, yes, sir.

16 A. Yes, that's where I saw this  
17 chart.

18 Q. Okay. Derived from data that  
19 you'd actually recorded based on information  
20 shared with you from your contractor.

21 Right?

22 MR. FUKUMURA: Objection.

23 Foundation.

24 THE WITNESS: I don't know  
25 exactly where their data came from.



1 QUESTIONS BY MR. BUCHANAN:

2 Q. Okay. It's not your  
3 understanding, sir, that it came from you?  
4 Or from data that you had recorded?

5 MR. FUKUMURA: Objection.

6 THE WITNESS: I don't know that  
7 it was data that I produced.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Okay.

10 A. That was used to create this.

11 MS. PETTY: Counsel, I'm sorry,  
12 we need to take a break for privilege  
13 with respect to Document 7 to the  
14 deposition, which doesn't appear to  
15 have a regular Bates number on it.

16 It's my understanding that Ron  
17 Wray is an attorney, and we need to  
18 assess the privilege in this document.

19 I apologize.

20 MR. BUCHANAN: We can go off  
21 the record.

22 VIDEOGRAPHER: We are now going  
23 off the video record. The time is  
24 currently 11:37 a.m.

25 (Off the record at 11:37 a.m.)

1                   VIDEOGRAPHER: We are now back  
2                   on the video record. The time is  
3                   currently 11:42 a.m.

4           QUESTIONS BY MR. BUCHANAN:

5           Q.       All right. Sir, we're back on  
6           Exhibit 8.

7                   Do you have that before you?  
8           That's that chart that you said you saw at  
9           the NTSB hearing.

10                   Right?

11           A.       Yes.

12           Q.       Okay. Presented to you by some  
13           NTSB representatives.

14                   Fair?

15           A.       It was part of the documents,  
16           yes.

17           Q.       Yeah.  
18                   It reflects a decision to vent  
19           and burn right around that five, six o'clock  
20           timeline.

21                   Do you see that? 4? 5? Do  
22           you see that?

23                   MS. PETTY: Objection.

24                   THE WITNESS: I see that.

25

1       QUESTIONS BY MR. BUCHANAN:

2               Q.       Do you see the temperatures  
3       never go higher than, what is that, about  
4       139?

5               A.       Yes.

6               Q.       And this is that car OCPX80370  
7       that was one of the vinyl chloride cars.  
8               Right?

9               A.       Yes.

10              Q.       And the overnight -- you were  
11       working the overnight shift.

12              Is that right?

13              A.       Yes.

14              Q.       And as you were monitoring  
15       temperatures on that car after the decision  
16       had been made to vent and burn because of  
17       escalating temperatures, temperatures  
18       actually declined.

19              Right?

20              MS. PETTY:  Objection.

21              THE WITNESS:  There had been no  
22       decision to vent and burn.

23       QUESTIONS BY MR. BUCHANAN:

24              Q.       I'm sorry, sir.

25              Hadn't there been a decision

1       made as of Sunday afternoon to conduct a vent  
2       and burn?

3               A.       There was a belief that Norfolk  
4       Southern believed that that was the safest  
5       means --

6               Q.       Okay.

7               A.       -- but the ultimate decision is  
8       the incident commander's.

9               Q.       Oh, I see.

10                      So you're saying that you get  
11       to bring some of the information but not all  
12       of the information to Chief Drabick, and it's  
13       on him if it was the wrong decision?

14                      MS. PETTY:  Objection.

15                      MR. FUKUMURA:  Objection.

16                      Argumentative.  Foundation.

17       QUESTIONS BY MR. BUCHANAN:

18               Q.       Is that what you're saying?

19               A.       No.

20               Q.       Oh.  Right.

21                      Because he should have had all  
22       the information that you had about whether it  
23       was polymerizing or not polymerizing.

24                      Right?

25                      MS. PETTY:  Objection.

1 MR. FUKUMURA: Objection.

2 THE WITNESS: We brought him  
3 all the information I believe we  
4 thought we had.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. I mean, you had contractors in  
7 the room who had been communicating with Oxy  
8 Vinyl regularly who had said, let me be  
9 clear, it's not polymerizing.

10 MR. FUKUMURA: Objection.

11 MS. PETTY: Objection.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. When you were sitting there,  
14 sir, you didn't hear anybody from your  
15 contractors share with Chief Drabick that the  
16 expert on the chemical had said it's not  
17 polymerizing.

18 Did you, sir?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 THE WITNESS: I was not there  
22 for most of that meeting, so I don't  
23 know what they told Chief Drabick.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Well, you've looked at enough

1 at this point, sir, to know that none of the  
2 contractors shared with Chief Drabick that  
3 the experts from Oxy Vinyl had said, let me  
4 be clear, it's not polymerizing; don't do a  
5 vent and burn because you think it's  
6 polymerizing?

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Objection.

9 THE WITNESS: Again, the only  
10 information that I have is that it was  
11 passed on that Oxy believed the  
12 product wasn't polymerizing.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. I understand. You've testified  
15 to that.

16 I just want to know, did you  
17 observe your contractors share with Chief  
18 Drabick what I just said, that the Oxy Vinyls  
19 reps have said they said pretty clearly to  
20 the contractors?

21 MS. PETTY: Objection.

22 MR. FUKUMURA: Objection.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. And Norfolk Southern?

25 MS. PETTY: Objection.

1 MR. FUKUMURA: Objection.

2 THE WITNESS: I did not witness  
3 all the conversations.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. In the conversations you  
6 witnessed, you did not hear that  
7 communicated.

8 Correct?

9 A. I did not.

10 Q. Well, how about after this  
11 decision had been recommended to Chief  
12 Drabick?

13 And in this overnight period as  
14 the temperatures are dropping, did you come  
15 back and say, I think we should rethink  
16 whether to do a vent and burn; the  
17 temperatures have stabilized and they're  
18 dropping?

19 Did that communication happen  
20 with Chief Drabick?

21 MR. FUKUMURA: Objection.

22 MS. PETTY: Objection.

23 THE WITNESS: Chief Drabick was  
24 informed of all the temperatures.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Right.

3 Did you share with him at that  
4 point on the 6th, after the temperatures had  
5 dropped, that the Oxy Vinyls rep had told you  
6 that without an exothermic reaction it's not  
7 polymerizing?

8 MS. PETTY: Objection.

9 MR. FUKUMURA: Objection.

10 THE WITNESS: I did not.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. And this was the car of concern  
13 with the highest temperatures, right,  
14 OCPX80370?

15 MS. PETTY: Objection.

16 THE WITNESS: That was the  
17 first car of our immediate concern.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Right.

20 You blew up all the cars.

21 Right?

22 MS. PETTY: Objection.

23 MR. FUKUMURA: Objection.

24 THE WITNESS: No.

25



1 QUESTIONS BY MR. BUCHANAN:

2 Q. All the vinyl chloride cars.

3 Right?

4 MS. PETTY: Objection.

5 THE WITNESS: We vented and  
6 burned all five vinyl chloride cars.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Okay. When you say "vented and  
9 burned," you planted explosive devices in two  
10 locations on each of them.

11 Correct?

12 MS. PETTY: Objection.

13 THE WITNESS: Our contractors  
14 applied explosives.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. I'm sorry. With Norfolk  
17 Southern's endorsement and recommendation.

18 Right?

19 You had to authorize that  
20 action by your contractors.

21 Correct?

22 MR. FUKUMURA: Objection.

23 THE WITNESS: Ultimately the  
24 incident commander authorized it, but  
25 they were Norfolk Southern's

1 contractor.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. And you authorized your  
4 contractor to take that step.

5 Correct?

6 MS. PETTY: Objection.

7 THE WITNESS: The incident  
8 commander authorized it.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. I'm sorry, sir. I thought we  
11 looked at your testimony earlier where you  
12 said, Norfolk Southern's contractors on site  
13 work under your direction and approval,  
14 Norfolk Southern's.

15 Right?

16 A. They do.

17 Q. Their actions to plant  
18 explosives on five cars and blow them up to  
19 vent and burn these things came with your  
20 endorsement and approval.

21 Correct?

22 MS. PETTY: Objection.

23 MR. FUKUMURA: Objection.

24 THE WITNESS: Norfolk Southern  
25 agreed with the incident commander's

1 decision.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. Wouldn't you agree, sir, that  
4 the incident commander should get the  
5 relevant information to make an informed  
6 decision before making it?

7 MR. FUKUMURA: Objection.

8 Asked and answered.

9 MS. PETTY: Objection.

10 THE WITNESS: Yes.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Isn't that only fair?

13 MR. FUKUMURA: Objection.

14 MS. PETTY: Objection.

15 THE WITNESS: All relative  
16 information is important.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Right. Right.

19 So if the product experts, the  
20 subject matter experts, on vinyl chloride  
21 monomer have said it's not polymerizing,  
22 you'd agree that's a piece of relevant  
23 information.

24 Correct?

25 MS. PETTY: Objection.

1 THE WITNESS: My only knowledge  
2 was they believed it wasn't  
3 polymerizing.

4 QUESTIONS BY MR. BUCHANAN:

5 Q. My question to you, sir, is  
6 that a piece of relevant information?

7 MS. PETTY: Objection.

8 THE WITNESS: Yes.

9 QUESTIONS BY MR. BUCHANAN:

10 Q. Right.

11 If a person is going to decide  
12 to undertake an act to blow up five cars and  
13 the risks that that represents, it's  
14 important that they get information that may  
15 be contrary to the view of Norfolk Southern's  
16 contractor.

17 Right?

18 MS. PETTY: Objection.

19 MR. FUKUMURA: Objection.

20 THE WITNESS: All information  
21 is important.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. That's right.

24 Pretty big decision to put at  
25 the feet of somebody.

1 Right?

2 MS. PETTY: Objection.

3 THE WITNESS: The decision to  
4 vent and burn is a huge decision.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. In fact, the folks from Oxy  
7 Vinyls said, it's not that you blow up a  
8 couple of holes in each of these tanks; you  
9 ignite fires around the tanks as well.

10 Right?

11 MS. PETTY: Objection.

12 MS. BROZ: Objection. Form.

13 THE WITNESS: There are flares  
14 and ignition sources applied to make  
15 sure the product burns.

16 QUESTIONS BY MR. BUCHANAN:

17 Q. Right.

18 Because if the product doesn't  
19 burn, what the Oxy Vinyls folks had told you,  
20 you could have a vapor cloud explosion.

21 Right?

22 MR. FUKUMURA: Objection.

23 Foundation.

24 MS. PETTY: Objection.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Right, sir?

3 A. Yes, you will have vinyl  
4 chloride.

5 Q. A vapor cloud explosion.  
6 Right?

7 A. There will be a large expanding  
8 gas cloud if the material doesn't ignite.

9 Q. And do you recall the folks  
10 from Oxy Vinyls, those Dallas folks, sharing  
11 with your team the concern that if you didn't  
12 fully ignite the vinyl chloride after the  
13 vent and burn, there could be a catastrophic  
14 vapor cloud explosion?

15 MS. PETTY: Objection.

16 THE WITNESS: Yes.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Okay. Did you share that with  
19 Chief Drabick?

20 A. I did not.

21 Q. Well, we have these  
22 temperatures that you were monitoring  
23 overnight before you -- what is this,  
24 Exhibit 8? -- after it peaks at 1:39.  
25 Doesn't look like an exothermic reaction to

1 me.

2 How about to you, sir?

3 MS. PETTY: Objection.

4 MR. FUKUMURA: Objection.

5 THE WITNESS: All we were able  
6 to get was surface temperatures of the  
7 outside of a tank of one tank. We  
8 never were able to get actual product  
9 temperatures.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Okay. But when you went to the  
12 NTSB that night at 6 p.m., you said the  
13 increase in temperature by 3 degrees was an  
14 indication that it was undergoing  
15 polymerization.

16 Isn't that what you told the  
17 NTSB?

18 MS. PETTY: Objection.

19 THE WITNESS: Yes. That's what  
20 we believed.

21 QUESTIONS BY MR. BUCHANAN:

22 Q. Okay. And the contrary is not  
23 true, sir, when the temperature is declining,  
24 that it's not undergoing polymerization?

25 MS. PETTY: Objection.

1 MR. FUKUMURA: Objection.

2 THE WITNESS: Again, all we  
3 were monitoring -- could monitor was  
4 the temperature of the exterior of the  
5 tank that was exposed to both product  
6 inside and winter weather in Ohio  
7 outside.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Well, maybe you could just  
10 share with us, sir, the temperatures that  
11 were shared with you from your contractor,  
12 SPSI, were they at that critical temperature  
13 for a runaway polymerization reaction?

14 MS. PETTY: Objection.

15 MR. FUKUMURA: Objection.

16 THE WITNESS: The external  
17 temperatures from the tank that we  
18 were getting were not.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. In fact, they were going in the  
21 other direction.

22 Right?

23 MR. FUKUMURA: Objection.

24 MS. PETTY: Objection.

25



1 QUESTIONS BY MR. BUCHANAN:

2 Q. They were declining?

3 MS. PETTY: Objection.

4 THE WITNESS: Eventually, yes.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. They declined from midnight  
7 through, what, the next day, up until the  
8 vent and burn?

9 MR. FUKUMURA: Objection.

10 MS. PETTY: Objection.

11 THE WITNESS: Yes, with several  
12 spikes in temperature in between.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. Never approaching 185 --

15 MR. FUKUMURA: Objection.

16 MS. PETTY: Objection.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. -- the runaway polymerization  
19 temperature you told the NTSB about.

20 Right?

21 MS. PETTY: Objection.

22 MR. FUKUMURA: Objection.

23 THE WITNESS: Again, the  
24 external temperatures of the tank  
25 never approached that.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Okay.

3 A. We don't know what the actual  
4 temperature of the product in the core of the  
5 tank was.

6 Q. Well, those are the  
7 temperatures you provided to the NTSB.

8 Right?

9 You said you had 138-degree  
10 reading from the shell. Thought that was  
11 information worth sharing.

12 Fair?

13 MS. PETTY: Objection.

14 THE WITNESS: Yes.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. You said 185 degrees for a  
17 runaway temperature, the critical temperature  
18 for a runaway polymerization reaction, that's  
19 what you shared.

20 Right?

21 A. Yes.

22 (Wood Exhibit 9 marked for  
23 identification.)

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Okay. Let's look at your

1 spreadsheet.

2 We're looking at Exhibit 9  
3 here, sir.

4 Do you recognize this?

5 A. Yes.

6 Q. And what is it, sir?

7 A. It appears to be a printout of  
8 the temperature spreadsheet.

9 Q. A spreadsheet that you  
10 documented the readings in?

11 A. Yes.

12 Q. I think you said that you were  
13 only monitoring the temperatures on  
14 OCPX80370.

15 Do you recall saying that a few  
16 minutes ago?

17 MS. PETTY: Objection.

18 THE WITNESS: No.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Oh. You may have said it, and  
21 maybe you didn't intend to characterize it  
22 that way.

23 You were monitoring  
24 temperatures on all the vinyl chloride cars.  
25 Right?

1           A.       Yes. But the only one of  
2       primary concern was the OCPX.

3           Q.       Okay. And we see the readings  
4       off to the right, that's OCPX80370.

5                    Right?

6           A.       Correct.

7           Q.       The other readings on the other  
8       cars are reflected to the left?

9           A.       That's correct.

10          Q.       Okay. And we can see,  
11       certainly, as indicated by your actual  
12       readings on this chart, the temperatures in  
13       OCPX80370 declined throughout the period of  
14       time you were monitoring them.

15                   Right?

16                   MS. PETTY: Objection.

17                   MR. FUKUMURA: Objection.

18                   Asked and answered.

19                   THE WITNESS: They eventually  
20       declined, with several spikes in  
21       between.

22       QUESTIONS BY MR. BUCHANAN:

23          Q.       I see. Yeah.

24                   You reported to the NTSB, what,  
25       the 138 at 6 p.m.

1 Right?

2 A. Yes.

3 Q. And then we see it gets up to  
4 139, I guess, and then it drops for all the  
5 subsequent readings.

6 Right?

7 A. No.

8 Q. I'm sorry.

9 Where do we finish here at the  
10 time of the vent and burn, sir?

11 MR. FUKUMURA: Objection.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. What was the temperature  
14 reading as of the time of the vent and burn?  
15 Or the last reading before the vent and burn.

16 A. The last reading is 126.

17 Q. All right. Thank you. You can  
18 set that aside.

19 I just want to talk about this  
20 vent and burn as implemented by Norfolk  
21 Southern and its contractors.

22 Is there FRA guidance on how to  
23 conduct a vent and burn?

24 A. There is an FRA document. It's  
25 the basis for all vent and burn training, I

1 think.

2 Q. Okay. Were you aware of that  
3 guidance before the vent and burn, sir?

4 A. I had not actually viewed that  
5 document, no.

6 Q. As best you know, sir, SPSI and  
7 its contractors did not use that handbook as  
8 a reference in connection with the vent and  
9 burn.

10 Correct?

11 MR. FUKUMURA: Objection.

12 MS. PETTY: Objection.

13 MR. FUKUMURA: Foundation.

14 THE WITNESS: I'm not sure  
15 whether they referenced the document  
16 or not.

17 (Wood Exhibit 10 marked for  
18 identification.)

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Did y'all have a written plan  
21 for the vent and burn?

22 A. I'm sorry, I'm not -- did who  
23 have a --

24 Q. Did Norfolk Southern and its  
25 contractors have a written plan for the vent

1 and burn?

2 A. I'm not aware of a written plan  
3 that Norfolk Southern had.

4 Q. Let's go to...

5 MR. FUKUMURA: Are you marking  
6 a new exhibit?

7 MR. BUCHANAN: I'm sorry, did I  
8 not pass it over? It's Exhibit 10, I  
9 believe.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Do you have Exhibit 10 before  
12 you? I thought I saw that get passed. If it  
13 didn't...

14 A. Yes.

15 Q. Exhibit 10 is a Handbook for  
16 Vent and Burn Method of Field Product  
17 Removal.

18 Do you see that?

19 A. Yes.

20 Q. From the US Department of  
21 Transportation?

22 A. Yes.

23 Q. Okay. Let's go to .9, sir.

24 A. Yes.

25 Q. "Vent and burn is an emergency

1 response procedure designed to quickly and  
2 effectively release railroad tank car  
3 internal vapor pressure and liquid products  
4 to avoid disastrous, uncontrolled tank  
5 rupture and environmental contamination."

6 Do you see that?

7 A. Yes.

8 Q. "During derailment accidents,  
9 tank cars may become structurally compromised  
10 by denting, crack initiation or puncturing,  
11 and/or subject to external heating and  
12 associated increase in internal pressure.  
13 The vent and burn procedure is applied to  
14 damaged tank cars only when all other  
15 emergency product removal methods have been  
16 considered and rejected and the consequences  
17 of not relieving the internal tank car  
18 pressure are determined to be greater than  
19 using this procedure."

20 Do you see that, sir?

21 A. Yes.

22 Q. Okay. As of, I guess, the  
23 morning of the 6th, please share with us,  
24 sir, the evidence that Norfolk Southern had  
25 or its contractors had that the internal tank



1 pressure was rising. Despite the  
2 temperatures dropping.

3 MS. PETTY: Objection.

4 MR. FUKUMURA: Objection.

5 THE WITNESS: There were a lot  
6 of factors that go into our belief  
7 that the product was polymerizing.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Do you have my question in  
10 mind, though, sir?

11 Okay. My question was, sir,  
12 please tell us what evidence you had that the  
13 contents of the tank cars, the pressure in  
14 those was rising despite the falling  
15 temperatures.

16 MS. PETTY: Objection.

17 MR. FUKUMURA: Objection.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. That's my question.

20 A. Those concerns started when we  
21 had a PRD go off five and a half hours after  
22 that car had been in a pool fire, with no  
23 presence of pool fire, when the car should  
24 have been cooling.

25 Q. You didn't see in the NTSB

1 report, sir, that PRDs will continue to go  
2 off after a pool fire stops, even when  
3 working properly?

4 MS. PETTY: Objection.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. You're not aware of that?

7 A. I'm not -- I'm not sure how  
8 you're -- what you're asking.

9 Q. You're not aware, sir, that  
10 PRDs will continue to go off even after an  
11 incident fire where the heat source has been  
12 controlled or remediated?

13 MS. PETTY: Objection.

14 THE WITNESS: Yes, PRDs will go  
15 off as long as there's enough pressure  
16 to open.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Right. They're insulated  
19 tanks.

20 Right, sir?

21 MS. PETTY: Objection.

22 THE WITNESS: These tanks have  
23 100-minute fire protection.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. Are they insulated tanks?

1 MS. PETTY: Objection.

2 MR. FUKUMURA: Objection.

3 Asked and answered.

4 MS. PETTY: Asked and answered.

5 THE WITNESS: I believe these  
6 were thermally protected.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Okay. And in the company's  
9 inspections of the various VCM, vinyl  
10 chloride, tanks, it had not identified any  
11 mechanical breach of the tank cars.

12 Correct?

13 MS. PETTY: Objection.

14 THE WITNESS: There were no  
15 breaches found in the vinyl chloride  
16 cars.

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Let's go to .13.

19 It states under Candidate  
20 Products, "The vent and burn procedure is  
21 limited in candidate products. The procedure  
22 should be discussed with the product  
23 manufacturer for full determination of this  
24 procedure's applicability."

25 Do you see that?

1 A. Yes.

2 Q. In fact, the company and its  
3 contractors had discussed with Oxy Vinyl, the  
4 chemical's manufacturer, what that chemical  
5 was doing inside of that tank.

6 Right?

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Objection.

9 THE WITNESS: I'm sorry, repeat  
10 your question?

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Yeah.

13 The company had, in fact, had  
14 conversations with Oxy Vinyls about what that  
15 chemical was doing inside of the tanks.

16 Right?

17 MS. PETTY: Objection.

18 MR. FUKUMURA: Objection.

19 THE WITNESS: Representatives  
20 from NS and our contractors had  
21 conversations with Oxy, yes.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. I think we have your testimony,  
24 sir. But nobody had shared with you that  
25 they had said, don't do a vent and burn

1       because you're concerned about  
2       polymerization.

3                       MR. FUKUMURA:   Objection.

4       QUESTIONS BY MR. BUCHANAN:

5               Q.       Right?

6                       MR. FUKUMURA:   Asked and  
7       answered.

8                       MS. PETTY:   Objection.

9                       THE WITNESS:   Those words were  
10       never expressed.

11       QUESTIONS BY MR. BUCHANAN:

12              Q.       To you?

13              A.       (Witness nods head.)

14              Q.       You need to answer --

15                      MR. FUKUMURA:   You got to  
16       verbally respond.

17                      THE WITNESS:   Yes.   Those words  
18       were never expressed to me.

19       QUESTIONS BY MR. BUCHANAN:

20              Q.       States, "Vent and burn may  
21       release potentially harmful byproducts of  
22       thermal oxidation."

23                      Do you see that?

24              A.       Yes.

25              Q.       You know the burning vinyl

1 chloride releases some bad stuff.

2 Right?

3 MS. PETTY: Objection.

4 MR. FUKUMURA: Objection.

5 THE WITNESS: There are  
6 products of combustion, yes.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Like PVC, dioxins are one.

9 Right?

10 MS. PETTY: Objection.

11 MS. BROZ: I'm going to add to  
12 the objection.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. You can answer.

15 A. Yes, dioxins are produced with  
16 about anything that has carbon in it when it  
17 burns.

18 Q. I guess so too, then, with  
19 vinyl chloride monomer.

20 Right?

21 MS. PETTY: Objection.

22 THE WITNESS: Yes.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. And other things that were  
25 burning on the site for those days.

1 Right?

2 MS. PETTY: Objection.

3 THE WITNESS: Yes, there were  
4 products of combustion.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. PAHs, dioxins, other things,  
7 products of combustion, as you call it, as a  
8 result of the fires following the derailment  
9 of Train 32N.

10 MS. PETTY: Objection.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Right?

13 A. Yes.

14 Q. If you go to .19, sir, it says,  
15 "As a precaution, prepare a written plan of  
16 operation."

17 Do you see that?

18 A. Yes.

19 Q. Did you -- I think you told us  
20 there wasn't a written plan of operation as  
21 best you understand.

22 Right?

23 MR. FUKUMURA: Objection.

24 MS. PETTY: Objection.

25 MR. FUKUMURA: Misstates

1 testimony.

2 MR. BUCHANAN: I'm sorry, I  
3 didn't mean to misstate your  
4 testimony.

5 THE WITNESS: Norfolk Southern  
6 didn't have a written plan.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Are you aware of one?

9 A. Unified command had a list of  
10 documents. I'm not exactly sure what ESI,  
11 who was the actual contractor who performed  
12 the vent and burn, what their paper  
13 documentations were.

14 Q. Right.

15 "Prepare a written plan of  
16 operation to ensure all parties involved have  
17 a clear understanding of the impending  
18 actions."

19 Do you see that?

20 A. Yes.

21 Q. All right. You were certainly  
22 one of the parties involved.

23 Right?

24 A. Yes.

25 Q. I mean, you were the ones



1       paying folks to blow up the fire cars.

2                       Right?

3                       MS. PETTY:  Objection.

4                       MR. FUKUMURA:  Objection.

5                       THE WITNESS:  Yes, we paid the  
6                       contractor who performed the vent and  
7                       burn.

8       QUESTIONS BY MR. BUCHANAN:

9               Q.       And the entity responsible for  
10           the cars in the derailment?

11                      MR. FUKUMURA:  Objection.

12                      MS. PETTY:  Objection.

13                      THE WITNESS:  I'm sorry, I  
14           didn't hear the first --

15       QUESTIONS BY MR. BUCHANAN:

16               Q.       It was your train that  
17           derailed, sir, right?  Norfolk Southern's?

18                      MS. PETTY:  Objection.

19                      THE WITNESS:  Yes.

20       QUESTIONS BY MR. BUCHANAN:

21               Q.       You're one of the parties  
22           involved.

23                      Right?

24               A.       Yes.

25               Q.       Okay.  Fair to say you haven't

1       seen a written plan for the vent and burn?

2                   MS. PETTY:  Objection.

3                   THE WITNESS:  Not from Norfolk  
4                   Southern.

5       QUESTIONS BY MR. BUCHANAN:

6           Q.       Have you seen a written plan  
7       from anybody?

8           A.       I believe there was one in  
9       incident command.

10          Q.       Oh, okay.

11          A.       In unified command.

12          Q.       Okay.  It says, "Conduct  
13       briefings with all parties involved at each  
14       stage of the process to ensure mutual  
15       understanding."

16                   Do you see that?

17          A.       It's on the same page?

18          Q.       Yeah.  Second bullet.

19          A.       Yes.

20          Q.       It would be important to make  
21       sure that the parties involved had a mutual  
22       understanding of the basis, or the  
23       probability of the basis, for the reason for  
24       the vent and burn.

25                   You would agree?

1 MS. PETTY: Objection.

2 MR. FUKUMURA: Objection.

3 THE WITNESS: I'm sorry, I  
4 don't think I understood what  
5 you're --

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Well, don't you think it's  
8 important that people who are parties to this  
9 process understand really what the  
10 probability of the concern is that's giving  
11 rise to the recommendation to vent and burn?

12 MS. PETTY: Objection.

13 THE WITNESS: All information  
14 is important.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Right.  
17 That shouldn't be kept from  
18 decisionmakers, right?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 THE WITNESS: No.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. I got some questions for you  
24 generally, sir, about back in time, going  
25 earlier when you got to the site.

1 I think you told us fire  
2 suppression activities had stopped.

3 Right?

4 A. There were no fire suppression  
5 activities going on when I arrived.

6 Q. Who is Mr. Naranjo? Or  
7 Naranjo?

8 A. Bryan, at the time, was system  
9 manager of environmental operations for  
10 Norfolk Southern.

11 Q. Work under you?

12 A. No, he works in the same  
13 department.

14 Q. Okay. Who does he report to?

15 A. At that time he reported to  
16 David Schoendorfer.

17 Q. I see.

18 So you both reported to  
19 Mr. Schoendorfer?

20 A. Yes.

21 (Wood Exhibit 11 marked for  
22 identification.)

23 QUESTIONS BY MR. BUCHANAN:

24 Q. Okay. Passing you, sir, what  
25 we're marking as Exhibit 11.

1 I see you're not on this, sir.

2 This looks like some kind of chat, whether  
3 text or Teams, from February 4, 2023.

4 Do you see that?

5 A. Yes.

6 Q. Who is Mr. Hunsicker?

7 A. Chris Hunsicker is the regional  
8 manager of environmental operations --

9 Q. Okay.

10 A. -- based out of Pittsburgh.

11 Q. Did he report to or just was  
12 he, you know, if you will, at a lateral level  
13 to Mr. Naranjo?

14 A. He reported to Mr. Naranjo.

15 Q. Naranjo?

16 A. Yes.

17 Q. I'm sorry, I apologize.

18 All right. We see this text  
19 chain. Is this around the time when you're  
20 getting into East Palestine? Saturday  
21 morning --

22 A. No.

23 Q. -- 8 a.m.?

24 A. No.

25 Q. When are you rolling into East

1 Palestine, sir?

2 A. Been closer to around eleven  
3 o'clock.

4 Q. Oh, I see. Okay.

5 So in this exchange  
6 Mr. Hunsicker is asking, what's the plan for  
7 today, going back and forth with Mr. Naranjo.  
8 And it says, "Bob just got there. We are  
9 letting things continue to burn."

10 Do you see that there? Do you  
11 see that?

12 A. Yes.

13 Q. Okay. I take it that's not you  
14 referenced as the Bob there?

15 A. No.

16 Q. Okay. That statement, though,  
17 is consistent with your observation that  
18 Norfolk Southern was just continuing to let  
19 things burn on Saturday morning.

20 Right?

21 MS. PETTY: Objection.

22 THE WITNESS: There were no  
23 fire suppression activities going on.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. And I guess the answer to my

1 question is, that's consistent, that you were  
2 just letting things continue to burn?

3 MS. PETTY: Objection.

4 THE WITNESS: Yes.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. Were you the individual who was  
7 interacting with the Ohio EPA about all the  
8 stuff that was getting dumped into the  
9 creeks?

10 MS. PETTY: Objection.

11 MR. FUKUMURA: Objection.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. In the bed there?

14 A. I had some conversations with a  
15 gentleman from Ohio EPA, but I think most of  
16 his conversations were probably with Scott  
17 Deutsch.

18 (Wood Exhibit 12 marked for  
19 identification.)

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Passing you what we're marking  
22 as Exhibit 12 to your deposition, sir.

23 Here you are.

24 Sir, this is an e-mail exchange  
25 from Sunday, the 5th, in the morning at

Robert Wood

1 10:46, from Mr. -- a Mr. Kurt Koehler, EPA  
2 Ohio --

3 A. Yes.

4 Q. -- to a Robert Scoble.

5 Do you see that?

6 A. Yes.

7 Q. It's also to Scott Deutsch and  
8 others.

9 Have you seen this before, sir?

10 A. I don't think so.

11 Q. Okay. It says, "Good morning,  
12 wanted to bring everyone on board with issues  
13 discussed overnight regarding the release to  
14 the waterways."

15 Do you see that?

16 A. Yes.

17 Q. "At the onset of the response,  
18 Ohio EPA recommended to NS environmental  
19 contractors, ECs, prepare for the expected  
20 release to Sulfur Run and Leslie Run,  
21 including installation of applicable  
22 containment and mobilize high-volume pumps."

23 Do you see that?

24 A. Yes.

25 Q. Yet despite that recommendation



1 from the Ohio EPA, the material from the cars  
2 that had been breached, otherwise released,  
3 entered into the various creeks and water  
4 sources around East Palestine.

5 Correct?

6 MS. PETTY: Objection.

7 MR. FUKUMURA: Objection.

8 THE WITNESS: Yes, materials  
9 from the derailment entered Sulfur Run  
10 and Leslie Run.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Okay. It says, "At 11:30 on  
13 the 4th" --

14 That would be right around when  
15 you were getting there?

16 A. Yes.

17 Q. -- "a release of material from  
18 the derailment was observed by Ohio EPA in  
19 Sulfur Run and beyond its confluence with  
20 Leslie Run."

21 Do you know those various  
22 streams or bodies of water, sir?

23 MS. PETTY: Objection.

24 MR. FUKUMURA: Objection.

25 THE WITNESS: Yes.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. "The extent of the impact was  
3 observed into north branch of Little Beaver  
4 Creek several miles downstream."

5 Right?

6 A. Yes, that's what it says.

7 Q. "And the release was  
8 impacting" -- frankly, it was killing fish.

9 Right?

10 A. Yes, there was a fish kill.

11 Q. HAZMAT materials and non-HAZMAT  
12 materials that are nonetheless toxic were  
13 released into these various streams and  
14 killing fish.

15 Right?

16 MS. PETTY: Objection.

17 MR. FUKUMURA: Objection.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. Miles away.

20 MS. PETTY: Objection.

21 MR. FUKUMURA: Objection.

22 THE WITNESS: Materials from  
23 the derailment entered the waterways,  
24 yes.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. What materials, sir?

3 MS. PETTY: Objection.

4 MR. FUKUMURA: Objection.

5 THE WITNESS: Yeah, I cannot  
6 quantify all of what entered that  
7 creek. I do not know.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Please tell us what, to your  
10 best understanding, did enter the creek, sir.

11 A. To the best of my  
12 understanding, I believe they found butyl  
13 acrylate and lube oil and possibly some  
14 glycol material.

15 Q. Not a good thing?

16 MR. FUKUMURA: Objection.

17 THE WITNESS: No release to a  
18 waterway is a good thing.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Beyond the waterways, it was  
21 also released in, what? Into seepage pits in  
22 the town?

23 Is that right?

24 MS. PETTY: Objection.

25

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Drain pipes and other, I'd say,  
3 sewer-like things in and around the  
4 derailment site?

5 MS. PETTY: Objection.

6 MR. FUKUMURA: Objection.

7 MS. PETTY: Calls for  
8 speculation.

9 MR. FUKUMURA: And compound.  
10 Vague.

11 THE WITNESS: Material entered  
12 storm drains.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. What material entered storm  
15 drains, sir?

16 A. Materials released from the  
17 derailment.

18 Q. Okay. Which of the materials,  
19 as best you know, sir, were released into the  
20 storm drains?

21 A. Again, the same ones that got  
22 to the creek.

23 Q. This e-mail continues at  
24 20:30 hours on the 4th. That's 10:30 at  
25 night. "The containment measures in Sulfur

1 Run were observed by Ohio EPA in a failing  
2 condition, allowing the suspected butyl  
3 acetate {sic} layer to continue to impact  
4 Leslie Run and beyond."

5 Do you see that?

6 A. Yes.

7 Q. So the issue was identified by  
8 the Ohio EPA to Norfolk Southern, and  
9 notwithstanding Norfolk Southern being made  
10 aware of it, remediation measures to prevent  
11 it from continuing were ineffective.

12 MS. PETTY: Objection.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. Right?

15 A. According to Norfolk -- to Ohio  
16 EPA, the containment boom was not holding  
17 properly.

18 Q. It says it was in a failing  
19 condition.

20 Right?

21 A. Yes, that's what it says.

22 Q. It states, "Throughout the day,  
23 weather conditions prevented vacuum truck  
24 recovery of accumulated material, but  
25 alternative recovery methods were not

1 utilized to alleviate the buildup at the  
2 containment points, adding to the bypass of  
3 the containment measures."

4 Do you see that?

5 A. I do see that.

6 Q. And is that consistent with  
7 your memory of the situation, sir?

8 MS. PETTY: Objection.

9 THE WITNESS: I'm not sure what  
10 alternative recovery methods the  
11 gentleman is referring to. There were  
12 vac trucks there.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. And you are aware, though, sir,  
15 that whatever measures were undertaken, they  
16 were being bypassed because these measures  
17 were in a failing condition at that point in  
18 time?

19 MS. PETTY: Objection.

20 MR. FUKUMURA: Objection.

21 THE WITNESS: I don't know the  
22 actual conditions of the boom at the  
23 time. Just what the e-mail says.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. It also says, as I stated a

1 moment ago, "Alternative recovery methods  
2 were not utilized to alleviate the buildup of  
3 the containment."

4 You don't have facts that  
5 demonstrate otherwise, do you, sir?

6 MS. PETTY: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Are you aware of any  
9 alternative methods that were used?

10 A. I am not aware of any.

11 MR. BUCHANAN: Okay. Can we go  
12 off the record?

13 VIDEOGRAPHER: We are now going  
14 off the video record. The time is  
15 currently 12:18 p.m.

16 (Off the record at 12:18 p.m.)

17 VIDEOGRAPHER: We are now back  
18 on the video record. The time is  
19 currently 12:26 p.m.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. Sir, we've been talking for a  
22 good portion of the day about the decision to  
23 conduct the vent and burn, information shared  
24 or not shared around that. And ultimately,  
25 though, we know the vent and burn was

1 conducted on the 6th of February.

2 Correct?

3 MR. FUKUMURA: Objection.

4 MS. PETTY: Objection.

5 THE WITNESS: Yes.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Were you there when it  
8 happened?

9 A. I was at the command post, yes.

10 Q. As I understand it, sir, you  
11 weren't there for the entire time that things  
12 were burning.

13 Right? The cars and their  
14 contents were burning. You had to leave?

15 A. Yes.

16 MS. PETTY: Objection.

17 THE WITNESS: Yes.

18 QUESTIONS BY MR. BUCHANAN:

19 Q. After that process that  
20 we're -- withdrawn.

21 After the VCM cars were blown  
22 up and the fires extinguished and you could  
23 get into the wreckage, inspection was done of  
24 those -- of those cars.

25 Correct?



1 MS. PETTY: Objection.

2 MR. FUKUMURA: Objection.

3 THE WITNESS: Yes, there were  
4 ultimately damage assessments done to  
5 those cars.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. And we looked at your  
8 statements to the NTSB of polymerization and  
9 the necessity of vent and burn.

10 Do you recall us looking at  
11 that and -- from your February 5, 2023,  
12 6 p.m. update to the NTSB?

13 A. What page are we referring to?

14 Q. We're referring to .77.

15 A. I'm sorry.

16 Q. .77 was the page of your 6 p.m.  
17 report, and that was Exhibit 3.

18 A. Okay.

19 Q. Do you see that?

20 And again, we looked and spent  
21 some time discussing polymerization and what  
22 you told the NTSB, what you told us you told  
23 Chief Drabick, and what you told us your  
24 contractors told unified command.

25 Do you recall our discussion

1 earlier today?

2 MS. PETTY: Objection.

3 MR. FUKUMURA: Objection.

4 THE WITNESS: Yes.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. And this concerned suggesting  
7 that the VCM lading was undergoing  
8 polymerization.

9 Do you recall that?

10 MS. PETTY: Objection.

11 THE WITNESS: That was -- that  
12 was our belief.

13 QUESTIONS BY MR. BUCHANAN:

14 Q. And when you went in there and  
15 were looking through the wreckage after, you  
16 went looking for signs of vinyl chloride  
17 polymerization.

18 Right?

19 MR. FUKUMURA: Objection.

20 MS. PETTY: Objection.

21 THE WITNESS: I did not.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. I'm sorry.

24 Your contractors and others  
25 did?

1 MR. FUKUMURA: Objection.

2 MS. PETTY: Objection.

3 THE WITNESS: The inspection  
4 was actually conducted by NTSB and FRA  
5 personnel, with assistance.

6 (Wood Exhibit 13 marked for  
7 identification.)

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Okay. Let's mark -- I think  
10 these are together -- actually, can you pass  
11 these out? I think there are two documents.

12 MR. FUKUMURA: Can we get two  
13 over here, please?

14 MR. BUCHANAN: Yeah.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Passing you over, sir, what  
17 we're calling Exhibit 13 to your deposition,  
18 and it's going to be -- we're going to clip  
19 these together. It's the e-mail and the  
20 attached report.

21 Do you have that before you,  
22 sir?

23 A. Yes.

24 Q. For the record, we're looking  
25 at P108, cover e-mail from a Paul Stauncil to

1 others.

2 Do you see that?

3 MR. FUKUMURA: So these two  
4 documents together are one exhibit?

5 MR. BUCHANAN: They are.

6 MR. FUKUMURA: Okay.

7 MR. BUCHANAN: I wanted to keep  
8 the e-mail and the attachment  
9 together.

10 THE WITNESS: Yes.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. Do you see that, sir?

13 A. Yes.

14 Q. Okay. And you're cc'd, or  
15 you're a recipient of this e-mail.

16 Correct?

17 A. Yes.

18 Q. Okay. This is from March 18,  
19 2023. Subject, review Oxy Vinyls  
20 post-accident tank residue test results.

21 Do you see that?

22 A. Yes.

23 Q. It's your understanding, sir,  
24 that folks went in to look to see if there  
25 was in fact polymerization of this vinyl

1 chloride monomer.

2 Right?

3 MR. FUKUMURA: Objection.

4 MS. PETTY: Objection.

5 THE WITNESS: I know Oxy folks  
6 took samples. I'm not sure exactly  
7 where they took the samples from. I'd  
8 have to go back and refer to the  
9 report to see.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Well, samples were taken under  
12 the guidance and oversight of NTSB.

13 Correct?

14 A. Correct.

15 MR. FUKUMURA: Well, Counsel,  
16 for the record, Robert Wood's name is  
17 spelled incorrectly in the "to" line  
18 to this e-mail.

19 MR. BUCHANAN: I'm --

20 QUESTIONS BY MR. BUCHANAN:

21 Q. How do you spell your name,  
22 sir?

23 MR. FUKUMURA: If you look in  
24 the recipients after, it says Robert  
25 Wood. His e-mail is incorrectly --

1           there's no T.

2       QUESTIONS BY MR. BUCHANAN:

3           Q.       I don't know where the  
4       characters stop or begin, but we see your  
5       name on the first page of the transmittal,  
6       sir, 108.1.

7                    It says, "Robert E. Wood," and  
8       then there's some bracketed computer link.

9                    Do you see that?

10          A.       Yes.

11          Q.       Your name is Robert C. Wood.  
12                    Is that correct?

13          A.       Yes.

14          Q.       Okay. And this is transmitting  
15       the Oxy Vinyl post-accident test residue test  
16       results.

17                    Do you see that?

18          A.       Yes.

19          Q.       Okay. If we go to .2 on  
20       page -- on P109, top right corner?

21          A.       Yes.

22          Q.       "Conclusions. Data based on  
23       these analyses, PVC was not present in any of  
24       the railcar samples."

25                    Do you see that?

1 A. Yes.

2 Q. PVC stands for what, sir?

3 A. Polyvinyl chloride.

4 Q. Polyvinyl chloride is the  
5 polymerized version of vinyl chloride  
6 monomer.

7 Correct?

8 MS. PETTY: Objection.

9 THE WITNESS: It's my  
10 understanding.

11 QUESTIONS BY MR. BUCHANAN:

12 Q. All right. In fact, you did  
13 not find any polyvinyl chloride in the  
14 subject railcars or in the area around those  
15 subject railcars.

16 Correct?

17 MS. PETTY: Objection.

18 MR. FUKUMURA: Objection.

19 THE WITNESS: This reports that  
20 all samples taken, they found no  
21 polyvinyl chloride.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. You're aware of no samples that  
24 were taken evidencing polymerization of the  
25 contents of the five Oxy Vinyls vinyl

1 chloride cars.

2 Correct?

3 MS. PETTY: Objection.

4 MR. FUKUMURA: Objection.

5 THE WITNESS: I'm not aware of  
6 any.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Okay. And therefore, you're  
9 not aware, sir -- withdrawn.

10 After the vent and burn, sir,  
11 and the aftermath in dealing with the  
12 wreckage, fair to say you were involved in  
13 trying to quantify the extent of the releases  
14 from the various HAZMAT and non-HAZMAT cars?

15 MR. FUKUMURA: Objection.

16 MS. PETTY: Objection.

17 THE WITNESS: I'm not exactly  
18 sure what you're asking, but...

19 QUESTIONS BY MR. BUCHANAN:

20 Q. Didn't you, sir, go through, if  
21 you will, the contents of the cars via the  
22 consist or otherwise and attempt to quantify  
23 the extent of the load the train was  
24 carrying, the extent of the release of  
25 material by breach or otherwise?



1 MR. FUKUMURA: Objection.

2 MS. PETTY: Objection.

3 THE WITNESS: Yes, Norfolk  
4 Southern did.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. You were involved in that  
7 effort, no?

8 MR. FUKUMURA: Objection.

9 THE WITNESS: Yes.

10 (Wood Exhibit 14 marked for  
11 identification.)

12 QUESTIONS BY MR. BUCHANAN:

13 Q. Okay. Let's pass the witness,  
14 please, 285 and 254. Once again, this is one  
15 document.

16 We're going to mark the e-mail  
17 and attachment as Exhibit 14.

18 There you are, sir.

19 Would you pull up P285, please?

20 That's the cover e-mail to  
21 Exhibit 14.

22 Do you have that before you,  
23 sir?

24 A. Yes.

25 Q. Does that reflect your -- I'm

1       sorry, sir.   Withdrawn.

2                       Does that refresh your  
3       recollection, sir, that you were involved in  
4       updating and assisting in the effort to  
5       quantify the extent of the materials that  
6       were discharged, recovered or released?

7                       MS. PETTY:   Objection.

8                       MR. FUKUMURA:   Objection.

9                       THE WITNESS:   Yes.

10       QUESTIONS BY MR. BUCHANAN:

11               Q.       Okay.   Let's look at the  
12       attachment.   That's P.254.

13                       Did you create the spreadsheet,  
14       sir?

15               A.       I don't recall whether I  
16       created this spreadsheet or not.

17               Q.       I'm on .2 for tracking  
18       purposes.

19                       Do you see the spreadsheet,  
20       sir?

21               A.       Yes.

22               Q.       Okay.   It's got a line number,  
23       a car ID, load, car type.

24                       See all that?

25               A.       Yes.

1           Q.       Commodity, tank car spec and a  
2       number of other items, including hazard  
3       class, amount and load, et cetera.

4                   Do you see that?

5           A.       Yes.

6           Q.       Columns across the top?

7           A.       Yes.

8           Q.       Similar to the chart we were  
9       looking at earlier today.

10                   Right?

11                   MR. FUKUMURA:  Objection.

12       QUESTIONS BY MR. BUCHANAN:

13           Q.       I'm sorry, did you answer, sir?

14           A.       Yes.

15           Q.       Okay.  But now you've added  
16       some details about the extent of the material  
17       that was released or recovered.

18                   Right?

19                   MR. FUKUMURA:  Objection.

20                   THE WITNESS:  Yes.

21       QUESTIONS BY MR. BUCHANAN:

22           Q.       Is this a list of the railcars  
23       that derailed on February 3rd?

24           A.       This appears to be a list of  
25       all the railcars derailed and impacted by the

1 fire and not derailed.

2 Q. Okay. So we've got -- let's  
3 see if we can go through this here, sir.

4 And when you look at it online,  
5 there's letters across the top and numbers  
6 down the side. That could be a little  
7 awkward to move through this now. We'll try  
8 our best.

9 The second column from the left  
10 that says "Car ID," that's the car number  
11 as you refer to it in the trade.

12 Right?

13 A. Yes.

14 Q. Okay. We spent a lot of time  
15 talking about those Oxy Vinyl cars today.

16 You see them listed there,  
17 right?

18 A. Yes.

19 Q. Okay. Column E identifies --  
20 column E. Fourth -- fifth column from the  
21 right -- left -- withdrawn.

22 There you go. I should print  
23 them out with the column headings next time.

24 Looking from the left, sir, the  
25 fifth column says "Commodity."

1 Do you see that?

2 A. Yes.

3 Q. Okay. We go down, what, about  
4 four rows, we see four vinyl chloride cars  
5 there.

6 Right? Vinyl chloride  
7 stabilized.

8 Do you see that?

9 A. Yes.

10 Q. Go over another four columns,  
11 we see a heading "Status After Derailment."

12 Right?

13 A. Yes.

14 Q. Okay. Under status after the  
15 derailment for those cars, it says, "Car did  
16 not leak/cars vent product through the PRD  
17 and ignited/vent and burn performed."

18 Do you see that?

19 A. Yes.

20 Q. That was the status after  
21 derailment that you documented, sir, much  
22 closer to the event.

23 Correct?

24 MS. PETTY: Objection.

25 MR. FUKUMURA: Objection.

1 THE WITNESS: I'm not sure when  
2 this was completed.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. Well, we have your cover  
5 e-mail, sir.

6 Right?

7 It was -- you're making updates  
8 on this as of February 19, 2023.

9 Right?

10 A. Yes. Well, I was sending the  
11 e-mail on February 19th.

12 Q. Fair enough.

13 Okay. So within a few weeks of  
14 the vent and burn.

15 Right?

16 A. Yes.

17 Q. Okay. And for each of the --  
18 let's look at what you wrote for each of the  
19 vinyl chloride cars.

20 "Car did not leak. Cars vent  
21 product through the PRD and ignited/vent and  
22 burn performed."

23 Do you see that?

24 MR. FUKUMURA: Objection.

25 Foundation.

1 MS. PETTY: Objection.

2 THE WITNESS: Yes.

3 QUESTIONS BY MR. BUCHANAN:

4 Q. That's what this reflects,  
5 right, this chart documenting the disposition  
6 of the contents of these various cars that  
7 derailed?

8 MS. PETTY: Objection.

9 THE WITNESS: Yes.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Okay. Off to the right it  
12 says, "Amount in load."

13 Do you see that?

14 A. Yes.

15 Q. 178,300 pounds. That's what it  
16 says for the first vinyl chloride car.

17 Right?

18 A. Yes.

19 Q. TILX402025.

20 Right?

21 A. Yes.

22 Q. Beneath that car is another  
23 vinyl chloride car, another 177,000 pounds of  
24 product.

25 Right?

1 A. Yes.

2 Q. Beneath that car, another  
3 177,000 pounds of vinyl chloride as loaded.

4 Correct?

5 A. Yes.

6 Q. Beneath that car, 178,000 and  
7 change pounds of vinyl chloride.

8 Right?

9 A. Yes.

10 Q. Off to the right it says,  
11 "Entire load consumed in initial fire from  
12 PRD and controlled burn."

13 Right?

14 A. Yes.

15 Q. We can go further down, sir.  
16 There's another vinyl chloride car that was  
17 part of that vent and burn.

18 Right?

19 A. Yes.

20 Q. Okay. What car number is that  
21 one?

22 A. OCPX80370.

23 Q. That's on the next page?

24 A. Yes.

25 Q. That one's got 176,000 pounds



1 of vinyl chloride.

2 Right? As loaded?

3 A. Yes.

4 Q. All told, what was that?

5 Almost 900,000 pounds of vinyl chloride  
6 burned?

7 MS. BROZ: Objection.

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Released either through the PRD  
10 burning or your vent and burn procedure.

11 Right, sir?

12 MS. PETTY: Objection.

13 THE WITNESS: Whatever the  
14 total of those five totals are, yes.

15 QUESTIONS BY MR. BUCHANAN:

16 Q. Nip it and a million pounds of  
17 vinyl chloride burned up.

18 Right?

19 MS. PETTY: Objection.

20 THE WITNESS: Whatever the  
21 total volume is listed there, that's  
22 what was consumed.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. That's one of those HAZMAT  
25 cars, right? Or HAZMAT substances, vinyl

1 chloride?

2 A. Yes.

3 Q. Burned off a lot of lube oil,  
4 too.

5 Right?

6 MS. PETTY: Objection.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Petroleum lube oil?

9 MS. PETTY: Objection.

10 THE WITNESS: I believe there  
11 was lube oil burned in the fire, yes.

12 QUESTIONS BY MR. BUCHANAN:

13 Q. If we can go down, maybe you  
14 can orient us, sir, to those cars, those  
15 petroleum lube oil cars that burned off.

16 Where are they in this chart?

17 Is that at line number 41 and  
18 line number 42?

19 A. Yes.

20 Q. As indicated in the column, not  
21 the actual lines on the page, but...

22 A. Yes.

23 Q. Okay. Line 41 is -- what is  
24 that, UTLX100055?

25 Do you see that?

1 A. Yes.

2 Q. Okay. Petroleum lube oil,  
3 double comp car.

4 What is double comp car?

5 A. Double compartment.

6 Q. Excuse me.

7 Both breached. Entire load  
8 lost.

9 Right?

10 A. Yes.

11 Q. 150,000 pounds of petroleum  
12 lube oil spilled or consumed in fire.

13 Right?

14 A. Yes.

15 Q. So, too, right under that we  
16 got another one. Tank breached, petroleum  
17 lube oil, 150,000 pounds.

18 What happened to that  
19 150,000 pounds in that car, sir?

20 A. It was either released or  
21 consumed in fire.

22 Q. Spilled and/or consumed in  
23 fire.

24 Right?

25 A. Yes.

1 MS. PETTY: Objection.

2 QUESTIONS BY MR. BUCHANAN:

3 Q. How about all of that polyvinyl  
4 chloride that was burned off? Separate from  
5 the vinyl chloride, there were cars with  
6 polyvinyl chloride pellets in it.

7 Right?

8 MS. PETTY: Objection.

9 THE WITNESS: Yes.

10 QUESTIONS BY MR. BUCHANAN:

11 Q. How many hundreds of thousands  
12 of pounds of polyvinyl chloride was burned,  
13 sir?

14 A. I cannot quantify, but most of  
15 the polyvinyl chloride was containerized and  
16 shipped to landfill.

17 Q. I'm sorry. Let's take a look  
18 at this then.

19 Go on to page 2, sir, row 54.

20 MR. FUKUMURA: .3?

21 MR. BUCHANAN: Oh, I'm sorry.

22 Thank you.

23 QUESTIONS BY MR. BUCHANAN:

24 Q. If you go to the next page --

25 A. Yes.

1 Q. -- .3, under line number  
2 there's a 54, ROIX57782.

3 Struggling with my eyes on that  
4 one.

5 A. Which line number?

6 Q. 54.

7 A. Okay.

8 Q. Polyvinyl involved in fire.  
9 What is it, about 197 pounds -- 197,000  
10 pounds, sir?

11 A. I'm struggling myself. Yes.

12 Q. It says, "Product partially  
13 burned. Remaining load is," and we don't  
14 have the rest of the cell.

15 Do you see that?

16 A. Yes.

17 Q. Okay. And that's true for the  
18 one above it as well, 184,000 pounds.

19 Right?

20 MR. FUKUMURA: What is true?

21 Objection.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. Product partially burned.

24 A. Yes.

25 Q. Remaining load is -- yeah.

1 Do you know how many pounds of  
2 the polyvinyl chloride, sir, burned?

3 MR. FUKUMURA: Objection.

4 Asked and answered.

5 THE WITNESS: I do not.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. These are hopper cars?

8 A. Yes.

9 Q. Was there a sharper estimate of  
10 how much -- what the quantity was of the  
11 polyvinyl chloride that burned?

12 MR. FUKUMURA: Objection.

13 THE WITNESS: I don't have one.

14 QUESTIONS BY MR. BUCHANAN:

15 Q. Okay. Weights that were hauled  
16 off-site, for example?

17 MS. PETTY: Objection.

18 THE WITNESS: Those could be  
19 located, but it was several months  
20 before those boxes were allowed to  
21 leave the site.

22 QUESTIONS BY MR. BUCHANAN:

23 Q. You have records of the weight  
24 of the polyvinyl chloride that left the site?

25 A. Yes, we should.

1 Q. And you see on the first page,  
2 too, sir, there's another couple of cars of  
3 polyvinyl chloride that burned.

4 Right?

5 MR. FUKUMURA: Objection.

6 THE WITNESS: Yes.

7 QUESTIONS BY MR. BUCHANAN:

8 Q. Car 39 and Car 40?

9 I'm sorry, I'm using that as  
10 cars, but that's the line number.

11 Right?

12 A. Yes.

13 Q. 39, 40.

14 ROIX57036 and also NCUX40057.

15 Do you see those?

16 A. Yes.

17 Q. Status after derailment --  
18 excuse me. Status after derailment, it says  
19 "burned."

20 Right?

21 A. "Product" --

22 MS. PETTY: Objection.

23 THE WITNESS: "Product  
24 partially burned."  
25

1       QUESTIONS BY MR. BUCHANAN:

2               Q.       Yeah, first I'm reading the  
3       column. It says "Status After Derailment."

4                       Do you see that column?

5               A.       Yes.

6               Q.       Yeah.

7                       Status After Derailment, it  
8       says "burned."

9                       Right?

10              A.       Yes.

11              Q.       Okay. And you've told us, sir,  
12       that these were partially burned. Some of  
13       the product was withdrawn from the site at  
14       some later point in time?

15              A.       Yes.

16              Q.       And there's a weight probably  
17       somewhere for how much was taken away.

18                       Right?

19              A.       Yes.

20              Q.       Where are those weights logged,  
21       sir?

22              A.       They would be part of the  
23       manifest, hazardous waste manifest system,  
24       for those loads.

25              Q.       Okay. Do you have access to



1       that system?

2               A.       I don't have direct access to  
3       them.   So they would be in EPA records as  
4       well as Norfolk Southern records.

5               Q.       How would you get a copy of  
6       those records, sir, reflecting how much load  
7       was recovered from each of these cars?

8               A.       I'm assuming I would just ask  
9       somebody who is in charge of the data portal  
10      for the site.

11              Q.       Okay.   And who would that  
12      person be or a person be that would do that?

13              A.       I think I -- anybody in our  
14      department can probably -- in management in  
15      our department, probably.

16              Q.       All right.   Thank you, sir.  
17                      I'm looking at the release of  
18      polyethylene, sir.

19                      Do you see that?   First two  
20      lines on --

21              A.       Yes.

22              Q.       -- first page?

23              A.       Yes.

24              Q.       .2?

25              A.       Yes.

1 Q. I guess it's P254.2.

2 It says, "Commodity,  
3 polyethylene. Status after derailment" --  
4 What's it say?

5 A. "Lading destroyed by fire."

6 Q. So, too, with the second car?

7 A. Yes.

8 Q. Okay. And to the extent  
9 there's indication on any of these items in  
10 here that a load was only partially burned or  
11 partially recovered, there's a way to  
12 identify how much was recovered.

13 Right?

14 MS. PETTY: Objection.

15 THE WITNESS: With regards to  
16 the polyvinyl and the polyethylene,  
17 yes, because those are solid waste.  
18 Anything that was collected as part of  
19 excavations, no.

20 QUESTIONS BY MR. BUCHANAN:

21 Q. The name of the system, sir,  
22 that tracks that information? As best you  
23 know.

24 A. It's just the Norfolk  
25 Southern's records data for the incident.

1 Q. Okay. Record here, sir, that  
2 the ethylhexyl acrylate was released.

3 Do you see that?

4 A. Yes.

5 MS. PETTY: Objection.

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Line 15?

8 A. Yes.

9 Q. Entire load lost in the spill.  
10 Right?

11 A. Yes.

12 Q. Polypropyl glycol released. Do  
13 you see that, line 22, sir? 200,000 pounds  
14 spilled or consumed in the fire.

15 Right?

16 A. What line?

17 Q. I think it's line 22.

18 A. I don't have a line 22.

19 MR. FUKUMURA: Yeah, you have  
20 lines that are not on the document.

21 MS. PETTY: We don't have  
22 line 15 or --

23 MR. BUCHANAN: Oh, I'm sorry.  
24 Let me correlate with the actual name,  
25 guys. Apologies, sir.

1 QUESTIONS BY MR. BUCHANAN:

2 Q. Polypropyl glycol, we can find  
3 it by the commodity.

4 Do you see it listed there,  
5 sir?

6 A. Yes.

7 Q. It's about 200,000 pounds?

8 MR. FUKUMURA: What line is it  
9 on the exhibit?

10 QUESTIONS BY MR. BUCHANAN:

11 Q. Can you identify the car number  
12 for your counsel, sir?

13 A. Well, I'm trying to -- did  
14 you -- what was the name of the product you  
15 said again?

16 Q. Polypropyl --

17 A. Polypropyl.

18 Q. -- glycol, 45. It's CERX30072.

19 A. Yes.

20 Q. 200,000 pounds was the load.

21 200,000 spilled and/or consumed in fire.

22 Do you see that?

23 A. Yes.

24 Q. For each of these items, sir, I  
25 take it you would endeavor to be as accurate

1 as you could in terms of capturing the amount  
2 of spill or burned quantities?

3 MR. FUKUMURA: Objection.

4 MS. PETTY: Objection.

5 THE WITNESS: Yes.

6 (Wood Exhibit 15 marked for  
7 identification.)

8 QUESTIONS BY MR. BUCHANAN:

9 Q. Let's turn back to -- you can  
10 set that aside, sir.

11 I want to talk about that  
12 subpoena. Can I have P181?

13 Passing you, sir, what we're  
14 marking as Exhibit 15 to your deposition,  
15 it's a copy of a subpoena that was served on  
16 you through counsel relating to request for  
17 documents and ultimately your deposition.

18 Have you seen it before?

19 A. I probably have if it went to  
20 NS. I would have never seen it if they sent  
21 it to the address on this subpoena.

22 Q. Okay. I believe we sent it  
23 through NS, but we'll check that.

24 Go to .7, Request for  
25 Production.

1           A.       Yes.

2           Q.       Just want to know whether these  
3 look familiar to you, sir.

4           A.       Yes.

5           Q.       Okay. Item 3, "All video or  
6 audio recordings related to," and then  
7 there's three items?

8                   Do you see that?

9           A.       Yes.

10          Q.       "The inspection or maintenance  
11 of Train 32N, the derailment, the controlled  
12 release and/or assessment of remediation and  
13 cleanup of associated contamination."

14                  Do you see those?

15          A.       Yes.

16          Q.       Okay. Did you conduct a search  
17 for that information, sir?

18                  MR. FUKUMURA: Objection.

19                  MS. PETTY: Objection.

20                  THE WITNESS: I did not, but a  
21 search was done.

22          QUESTIONS BY MR. BUCHANAN:

23          Q.       Do you remember using your  
24 personal e-mail, sir, to send documents  
25 around?

1 MS. PETTY: Objection.

2 THE WITNESS: Not to my  
3 knowledge.

4 (Wood Exhibit 16 marked for  
5 identification.)

6 QUESTIONS BY MR. BUCHANAN:

7 Q. Passing you, sir, what we've  
8 marked as Exhibit 16 to your deposition.

9 Sir, I'll represent to you that  
10 counsel for Norfolk Southern told us that you  
11 didn't have anything in your personal  
12 accounts or personal devices -- sorry.

13 Individual counsel -- my  
14 apologies -- represented you didn't have  
15 anything on your personal devices on personal  
16 accounts.

17 This Robert Wood@yahoo.com, do  
18 you see that e-mail?

19 A. Yes.

20 Q. Is that your personal e-mail  
21 account, sir?

22 A. Yes.

23 Q. Okay. And during the course of  
24 this derailment and response, you were using  
25 your personal e-mail while in the field?

1 MS. PETTY: Objection.

2 THE WITNESS: If it was used,  
3 it had to be when an e-mail -- a photo  
4 was e-mailed.

5 QUESTIONS BY MR. BUCHANAN:

6 Q. Right.

7 And you saw in the subpoena we  
8 asked for copies of movies or videos or  
9 pictures or things like that that you had in  
10 your possession, custody or control? Saw  
11 that in the subpoena?

12 A. I saw that, yes.

13 Q. You still have access to your  
14 Yahoo! account?

15 A. Yes.

16 Q. Did you search it to share with  
17 us the information you had responsive to our  
18 subpoena?

19 A. I did not.

20 MS. PETTY: Objection.

21 QUESTIONS BY MR. BUCHANAN:

22 Q. Did you make it available to  
23 your counsel to search your personal e-mail?

24 A. This would have had to come  
25 from my iPhone, so it would have been on my



1 iPhone.

2 Q. Is your iPhone your work phone?

3 A. Yes.

4 MR. BUCHANAN: Okay. Did --  
5 Counsel, did you search the witness'  
6 personal e-mail accounts?

7 MR. FUKUMURA: Everything --  
8 did we search his --

9 MR. BUCHANAN: We didn't get  
10 this.

11 MR. FUKUMURA: It's on his work  
12 computer.

13 MR. BUCHANAN: Only because he  
14 sent it to work.

15 MR. FUKUMURA: It's the same --  
16 anyway, I'm asking right now.

17 MR. BUCHANAN: Okay. Thank  
18 you.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. All right. Do you still have  
21 your e-mails from this period of time, sir?

22 A. I'm assuming I do.

23 Q. Okay. You still have the  
24 videos and other things on that device that  
25 you took when you were at the site?

1 MS. PETTY: Objection.

2 THE WITNESS: My mobile device?

3 QUESTIONS BY MR. BUCHANAN:

4 Q. Yes, sir.

5 A. I would assume so. I haven't  
6 taken anything off of it related to East  
7 Palestine.

8 Q. Pictures, movies, you were  
9 taking those while you were on site?

10 A. I have no videos that I know  
11 of. I may have some photos.

12 Q. Well, this is a video.  
13 Right?

14 MS. PETTY: Objection.

15 (Wood Exhibit 17 marked for  
16 identification.)

17 QUESTIONS BY MR. BUCHANAN:

18 Q. Oh, I'm sorry. Pass that over.  
19 We're looking here, sir, at  
20 P252 --

21 A. Yes.

22 Q. -- which is Exhibit 17, an  
23 e-mail from yourself to yourself, from your  
24 personal e-mail to your work e-mail.

25 Right?

1 A. Yes.

2 Q. Forwarding a movie?

3 A. Yes. Apparently my company  
4 phone was using a personal e-mail address.  
5 It's the only thing I can figure.

6 MR. BUCHANAN: Okay. We'll  
7 just call for production, sir, and ask  
8 counsel to work with you to search  
9 your devices to ensure that we've got  
10 all the responsive information to our  
11 subpoena.

12 MR. FUKUMURA: We've searched  
13 his devices, so the question -- I  
14 understand what the issue is. I'm  
15 e-mailing about that right now.

16 MR. BUCHANAN: That's fine.  
17 We're marking it, and we'll revisit if  
18 we need to.

19 At this point, sir, I'm going  
20 to -- I have more questions for you,  
21 but we have limited time, so I'm going  
22 to allow other counsel to conduct  
23 their examinations now.

24 THE WITNESS: Okay.

25 MR. BUCHANAN: Okay to go off

1 the record, Counsel?

2 MR. FUKUMURA: Yeah.

3 MS. PETTY: Yeah.

4 MR. BUCHANAN: Okay. You guys  
5 want to take a lunch break now?

6 MR. FUKUMURA: Sure.

7 VIDEOGRAPHER: We are now going  
8 off the video record. The time is  
9 currently 12:01 p.m. {sic}

10 (Off the record at 1:01 p.m.)

11 VIDEOGRAPHER: We are now back  
12 on the video record. The time is  
13 currently 1:41 p.m.

14 DIRECT EXAMINATION

15 QUESTIONS BY MS. BROZ:

16 Q. Good afternoon, Mr. Wood. My  
17 name is Alycia Broz, and I represent Oxy  
18 Vinyls in this litigation.

19 Are you aware that Norfolk  
20 Southern has sued Oxy Vinyls?

21 A. I am.

22 Q. Okay. And I'm going to be  
23 jumping around, and I apologize for that. It  
24 happens when you go second in a deposition.  
25 So I'll try to do my best to keep you

1        apprised of where I am.

2                        If you don't understand where I  
3        am or what I'm referring to, would you let me  
4        know that?

5                A.        Yes.

6                Q.        Thank you.

7                        Earlier today you said that you  
8        used an iPhone device for receiving text  
9        messages.

10                      Is that correct?

11                A.        Yes.

12                Q.        Okay. And is it the same  
13        iPhone that you have today that you had --  
14        let me start that again.

15                      On February 3rd of 2023, you  
16        had an iPhone at that time as well.

17                      Correct?

18                A.        Yes.

19                Q.        And it's the same iPhone that  
20        you're using today?

21                A.        I think it's -- I have a new  
22        one.

23                Q.        Okay.

24                A.        I don't remember when that  
25        phone was replaced.

1 Q. It was --

2 A. Or if it was that phone. I'll  
3 be honest with you, I'm not sure.

4 Q. Okay. Between February 3,  
5 2023, and today, you've replaced your iPhone?

6 MS. PETTY: Objection.

7 THE WITNESS: It's a company  
8 iPhone. I think it's been replaced,  
9 but I would have to double-check that  
10 to see.

11 QUESTIONS BY MS. BROZ:

12 Q. Okay. And what would you need  
13 to check to determine if you received a new  
14 iPhone between February 3, 2023, and today?

15 A. Check back with our tech folks.

16 Q. And when you receive an iPhone  
17 from the company, do you also use it for  
18 personal messaging or personal e-mails?

19 A. Probably. I don't carry a  
20 personal phone.

21 Q. And are you aware that on your  
22 iPhone there's a text -- you can -- there are  
23 text message settings that you can change or  
24 alter?

25 A. Not really.

1 Q. Do you know if your text  
2 message setting on your iPhone is set to  
3 delete your text messages after 30 days?

4 A. I do not know.

5 Q. Do you know if the text  
6 messaging setting on your iPhone is set to  
7 keep messages forever?

8 A. I do not know.

9 Q. Did you receive a hold -- a  
10 document hold notice from either your counsel  
11 or counsel for Norfolk Southern after the  
12 vent and burn on February 6, 2023?

13 A. I received a document hold at  
14 some time. I don't know exactly when, but,  
15 yes.

16 Q. And did that document hold  
17 notice tell you to suspend all deletion of  
18 any messages that you would have either on  
19 your iPhone or in your e-mails?

20 A. I believe so.

21 Q. And did you take any steps to  
22 check your text message setting on your  
23 iPhone to determine whether your text  
24 messages were being deleted?

25 A. I did not.

1 Q. Did you hand your iPhone over  
2 to counsel for Norfolk Southern after  
3 receiving that hold notice?

4 A. Yes.

5 Q. And do you recall approximately  
6 when you did that?

7 A. I don't -- I don't know the  
8 exact date. I believe it was sometime in the  
9 spring.

10 Q. And at the time that you turned  
11 over your iPhone to Norfolk Southern or its  
12 counsel, did you check to see if the text  
13 messages from the February 3rd through  
14 February 6, 2023 time period were still on  
15 your iPhone?

16 A. I did not.

17 Q. Did you look back at those text  
18 messages at any time?

19 A. I may have. I -- but I don't  
20 know.

21 Q. Okay. And when you received  
22 that hold notice from Norfolk Southern or its  
23 counsel, did you also suspend all deletion of  
24 your personal e-mail address at the yahoo.com  
25 e-mail address?



1 A. I don't know.

2 Q. Did you take any steps to  
3 suspend deletion of messages that were on  
4 your personal Yahoo! e-mail account?

5 A. I have done nothing with  
6 settings on my personal e-mail account.

7 Q. Do you know how often e-mail  
8 messages on your personal Yahoo! e-mail  
9 account are deleted?

10 A. I do not.

11 Q. Okay. Let's turn to what was  
12 previously marked as Deposition Exhibit 1, if  
13 you have that in front of you.

14 A. Yes.

15 Q. Do you have that in front of  
16 you?

17 A. Yes.

18 Q. You previously identified this  
19 as your interview transcript in front of the  
20 NTSB that was taken on February 8, 2023.

21 Correct?

22 A. Yes.

23 Q. Let's turn to page 23 of that  
24 transcript.

25 A. Page 23 or dot.

1 CHRIS RITONA: PDF page or --

2 MS. BROZ: The actual page of  
3 the transcript in the top right-hand  
4 corner.

5 CHRIS RITONA: So we're off by  
6 one.

7 MS. BROZ: .24, page 23. Thank  
8 you.

9 QUESTIONS BY MS. BROZ:

10 Q. Do you have that in front of  
11 you?

12 A. I'm looking for what?

13 Q. Page 23. The actual page  
14 number of the document.

15 A. Page 23?

16 Q. Yes.

17 A. Yes, I'm sorry. I had to peel  
18 it back to see the page number.

19 Q. Do you see where it says line  
20 numbers on the left-hand side of the page?

21 A. Yes.

22 Q. Can you go to line 5, please?

23 A. Yes.

24 Q. And tell me if I read this  
25 correctly. And it says, "And that car was

1     also oriented a little different, too. So it  
2     was in a liquid phase to begin with, which is  
3     more than likely made the fire worse under --  
4     when it was just jetting, it was throwing  
5     liquid out."

6                     Do you see that testimony?

7             A.       Yes.

8             Q.       And which car were you  
9     referring to when you were talking about the  
10    car being in the liquid phase?

11                    MR. FUKUMURA: You can look at  
12    the preceding page as well.

13                    THE WITNESS: Yeah, that's what  
14    I'm looking at.

15                    Yes, it would have been the car  
16    of the greatest concern.

17    QUESTIONS BY MS. BROZ:

18             Q.       So would that be OCPX80370?

19             A.       Yes.

20             Q.       And what is the basis for your  
21    understanding that car OCPX80370 was,  
22    quote/unquote, in the liquid phase?

23             A.       The orientation of the car and  
24    the position of the valves on the car,  
25    specifically the PRD.

1                   The car is standing upright.

2       The pipe at the base of the PRD is in the  
3       vapor space. The car gets turned to its  
4       side, it's in the liquid phase of the car.

5           Q.       So you are not saying in this  
6       testimony that somehow the car was leaking  
7       liquid from it?

8           A.       It would have been discharging  
9       liquid out that PRD.

10          Q.       And what is your basis for your  
11       understanding that it was discharging liquid  
12       from out the PRD?

13          A.       The position of the PRD.

14          Q.       Anything else other than the  
15       position of the PRD?

16          A.       No.

17          Q.       Did you see it discharging  
18       liquid from the PRD?

19          A.       No. Just there was fire.

20          Q.       Did anybody report to you that  
21       it was discharging liquid from the PRD?

22          A.       No.

23          Q.       So you assume that it was  
24       discharging liquid from the PRD solely based  
25       upon the orientation of the tank car?

1           A.       Yes.   The base of the PRD would  
2   have been in the liquid.

3           Q.       That wasn't my question.

4                    Were you assuming that it was  
5   discharging liquid because of the orientation  
6   of the tank car?

7           A.       Yes.

8                    MR. FUKUMURA:   Objection.

9                    THE WITNESS:   Yes.

10          QUESTIONS BY MS. BROZ:

11           Q.       Let's go to line 11 on that  
12   page.

13                    VIDEOGRAPHER:   We may need to  
14   go off the record.

15                    MS. BROZ:   Okay.   Let's go off  
16   the record a second.

17                    VIDEOGRAPHER:   We are now going  
18   off the video record.   The time is  
19   currently 1:50 p.m.

20                    (Off the record at 1:50 p.m.)

21                    VIDEOGRAPHER:   We are now back  
22   on the video record.   The time is  
23   currently 1:51 p.m.

24          QUESTIONS BY MS. BROZ:

25           Q.       I apologize.   Let's go to

1 line 21 of that page.

2 A. Yes.

3 Q. In answer to the question, "And  
4 what does that do to the pressure relief  
5 device?" you answered, "It will operate, but  
6 it doesn't relieve pressure as fast because  
7 it's pushing liquid."

8 Do you see that?

9 A. Yes.

10 Q. Was OCPX80370 in fact pushing  
11 liquid?

12 A. My belief is yes.

13 Q. Based upon what?

14 A. The position of the PRD.

15 Q. Any other basis to conclude  
16 that OCPX80370 was pushing liquid?

17 A. No.

18 Q. Do you have any video evidence  
19 showing OCPX80370 pushing liquid out of the  
20 PRD?

21 A. Just the video of fire coming  
22 from the PRD.

23 Q. Fire and nothing else?

24 A. That's it.

25 Q. Do you have any pictures of it

1 pushing liquid out of the pressure relief  
2 device?

3 A. I see fire from the PRD.

4 Q. Just fire?

5 A. Yes.

6 Q. Nothing else?

7 A. Correct.

8 Q. You never saw liquid?

9 A. Fire.

10 Q. Just fire?

11 A. Yes.

12 Q. Okay. Let's go to line 24.

13 So you say, "So it's pushing  
14 that monomer that wants to polymerize when it  
15 gets some oxygen out through the ports."

16 Do you see that?

17 A. Yes.

18 Q. What is your basis that the  
19 minute the stabilized vinyl chloride that was  
20 in OCPX80370 went through the port that it  
21 would automatically polymerize?

22 MS. PETTY: Objection.

23 THE WITNESS: The polymer  
24 exiting the PRD. Or, excuse me, the  
25 monomer exiting the PRD.

1 QUESTIONS BY MS. BROZ:

2 Q. So it's your opinion that once  
3 monomer exits from a PRD and reacts with  
4 oxygen, it will automatically polymerize?

5 MS. PETTY: Objection.

6 THE WITNESS: It's my  
7 understanding it can.

8 QUESTIONS BY MS. BROZ:

9 Q. Was the monomer that allegedly  
10 was exiting from OCPX80370 polymerizing once  
11 it met with oxygen outside the vinyl chloride  
12 tank car?

13 MS. PETTY: Objection.

14 THE WITNESS: I do not know.

15 QUESTIONS BY MS. BROZ:

16 Q. Did you find any polymer -- let  
17 me strike that.

18 Did you find any polymerized  
19 vinyl chloride outside of OCPX80370 when you  
20 had an opportunity to inspect the tank cars?

21 A. I did not inspect the tank  
22 cars.

23 Q. How about when your responders  
24 inspected the tank cars? Did they find any  
25 polymerized vinyl chloride outside of



1 OCPX80370?

2 A. No, just evidence of fire.

3 Q. Do you have any evidence -- or  
4 let me strike that.

5 Based upon your knowledge, were  
6 the PRDs activating properly in the five tank  
7 cars containing vinyl chloride?

8 MR. FUKUMURA: Objection.

9 MS. PETTY: Objection.

10 THE WITNESS: The PR -- the  
11 PRDs on the five vinyl chloride cars  
12 did operate.

13 QUESTIONS BY MS. BROZ:

14 Q. You can set that aside.

15 MR. FUKUMURA: You can set that  
16 exhibit aside.

17 (Wood Exhibit 18 marked for  
18 identification.)

19 QUESTIONS BY MS. BROZ:

20 Q. We're going to mark a new  
21 exhibit, Mr. Wood.

22 All right. Mr. Wood, I hand  
23 you what we've marked as Deposition  
24 Exhibit 18 and ask you if you recognize this.

25 A. Yes.

1 Q. What is it?

2 A. It's an incident status report.

3 Q. Is this also known as a form  
4 201?

5 A. No.

6 Q. It is not?

7 A. No.

8 Q. What is a form 201?

9 A. Form 201 is a NIMS ICS briefing  
10 form.

11 Q. And were form 201s being  
12 completed between February 3rd and  
13 February 6th of 2023, following the tank  
14 car -- the train derailment in East  
15 Palestine?

16 A. I believe unified command was.  
17 That would have been one of their functions.

18 Q. So these were internal -- these  
19 incidence status reports were internal  
20 Norfolk Southern forms?

21 A. This is a Norfolk Southern  
22 form, but it was shared outside of Norfolk  
23 Southern.

24 Q. And what was the purpose of  
25 preparing and completing the incident status

1 reports?

2 A. To provide an incident update  
3 to NS personnel as well as any regulatory  
4 agency that wanted it.

5 Q. And who prepared these incident  
6 status reports for Norfolk Southern?

7 A. It would have been one of the  
8 HAZMAT managers on --

9 Q. Do you know who?

10 A. I was responsible for some of  
11 them. Jon Simpson would have done some of  
12 them. Probably most of them were done by Jon  
13 Simpson, I think.

14 Q. Do you know which ones you  
15 prepared as compared to which ones  
16 Mr. Simpson prepared?

17 A. I do not recall.

18 Q. If you look at the top of --  
19 I'm going to go by Bates numbers -- NS-CA,  
20 and the last three digits are 572.

21 Do you see at the bottom corner  
22 there?

23 A. Uh-huh.

24 Q. Okay. Can you go to the top of  
25 that page?

1 A. Yes.

2 Q. It says, "Status report date is  
3 2/4/2023."

4 Is that correct?

5 A. Yes.

6 Q. And it's from 7 p.m. on  
7 February 4th through 7 a.m. on February 5th.

8 Is that correct?

9 A. Yes.

10 Q. And this would be operational  
11 period 3?

12 MS. PETTY: Objection.

13 THE WITNESS: I'm not sure.

14 QUESTIONS BY MS. BROZ:

15 Q. Okay. Why don't you tell me  
16 how you calculate operational periods.

17 A. It varies by incidents.

18 Q. All right. How about for this  
19 incident?

20 A. I believe these were being done  
21 twice a day, I think, at shift change. I  
22 think. Some incidents they're done just  
23 every morning. It depends.

24 Q. And when was shift change?

25 A. Generally 6 a.m. to 6 p.m.

1 6 p.m. to 6 a.m.

2 Q. Do you know why this one is  
3 labeled 7 p.m. to 7 a.m.?

4 A. That's generally when  
5 operational periods are, and you have an  
6 overlap in personnel.

7 Q. So at the end of an operational  
8 period, you'll complete an incident status  
9 report?

10 A. Correct. Someone will.

11 Q. And you will do that every  
12 12 hours?

13 A. On some incidents.

14 Q. How about this incident?

15 A. I believe so. At least for a  
16 period of time.

17 Q. You believe that one was  
18 created every 12 hours?

19 A. I believe.

20 Q. Do you know whether you  
21 prepared what we've marked as Deposition  
22 Exhibit 18?

23 A. I do not.

24 Q. Is there a way of telling who  
25 prepared this form?

1           A.       I don't think so.

2           Q.       Where do you go -- let me start  
3       that again.

4                   Is there a computer system that  
5       you go to to complete these forms at the end  
6       of a shift change?

7           A.       This is just a Word document.

8           Q.       And where is the Word document  
9       stored?

10          A.       Before or after?

11          Q.       After you're done completing  
12       it.

13          A.       I think everything from East  
14       Palestine went to the server file for the --

15          Q.       What is the name of that file  
16       you saved it on?

17          A.       The server file was set up in  
18       our SharePoint system. I'll be honest, I  
19       think it's just the derailment name.

20          Q.       Okay. Can you turn to what  
21       we've marked as -- the last Bate -- three  
22       digits of the Bates number are 574?

23          A.       Yes.

24          Q.       And do you see at the top there  
25       it says "vinyl chloride" under the yellow

1 heading?

2 A. Yes.

3 Q. And it says, "The recovery  
4 plan," and it says, "Currently in situ."

5 A. Yes.

6 Q. Do you know what that means?

7 A. That it's still in its -- where  
8 it was originally at.

9 Q. And where was it originally at?

10 A. Inside the cars.

11 Q. And I want you to pick another  
12 document for me, what we've marked previously  
13 as Wood Deposition Exhibit 3.

14 Do you have that in front of  
15 you?

16 A. Which one was it? 3, yes.

17 Q. Keep both of them in front of  
18 you, but if you could grab Deposition  
19 Exhibit 3.

20 A. Oh, yes.

21 MR. FUKUMURA: That's 2. 3 is  
22 the big one. Oh, yeah, right.

23 QUESTIONS BY MS. BROZ:

24 Q. Okay. And if you could turn to  
25 Bates number 336.

1 MR. FUKUMURA: Can you give us  
2 the dot number, please?

3 MS. BROZ: .13.

4 THE WITNESS: Okay.

5 QUESTIONS BY MS. BROZ:

6 Q. Do you see the 3.1.1 paragraph?

7 A. Yes.

8 Q. In the third line down, it  
9 repeats the language that the vinyl chloride  
10 was sitting in situ.

11 Correct?

12 A. Yes.

13 Q. And then you see that last  
14 sentence there?

15 It starts with "The release of  
16 vinyl chloride resulted from the functioning  
17 of pressure relief devices and from the  
18 subsequent intentional vent and burn  
19 actions."

20 A. Yes.

21 Q. Do you agree with the  
22 statements in this paragraph?

23 A. Yes.

24 Q. And you agree with the  
25 statements that were contained in your report



1       that we previously marked as Deposition  
2       Exhibit 18, that the vinyl chloride was in  
3       situ?

4               A.       Yes.

5               Q.       Earlier today, I believe you  
6       testified that vinyl chloride was being  
7       released from the other valves of the vinyl  
8       chloride cars?

9               A.       Yes.

10              Q.       And what is your basis for that  
11      understanding?

12              A.       Visible burning from around the  
13      valves.

14              Q.       So we're back to the fire  
15      again?

16              A.       Yes.

17              Q.       Any other reason to conclude  
18      that liquid vinyl chloride was leaking from  
19      any of the valves contained on the tank cars?

20              A.       It's reasonable to conclude  
21      that that's vinyl chloride burning.

22              Q.       I understand you're concluding  
23      it's vinyl chloride, but what is your basis  
24      to conclude that liquid vinyl chloride was  
25      released -- was leaking from the valves in

1 the tank cars?

2 A. I said vinyl chloride was.

3 Q. But not liquid?

4 A. I don't know.

5 Q. So you're changing your  
6 testimony from earlier today where you  
7 testified that liquid vinyl chloride was  
8 leaking from the valves in the tank cars?

9 MS. PETTY: Objection.

10 MR. FUKUMURA: Objection.

11 THE WITNESS: No.

12 What was stated in the record  
13 here and otherwise is we believed it  
14 was liquid vinyl chloride burning out  
15 of the PRD due to the position of it.

16 The possibility exists,  
17 depending on where the fire is coming  
18 from the valves, it could be liquid,  
19 it could be vapors. We don't know.

20 QUESTIONS BY MS. BROZ:

21 Q. I think let's go a step back.

22 What is your basis for  
23 understanding that vinyl chloride, liquid or  
24 otherwise, was releasing from anything other  
25 than the PRDs?

1           A.       The visible fires burning.

2           Q.       Is it possible that the fires  
3       were burning as a result of reacting with  
4       some other chemical other than vinyl  
5       chloride?

6                   MS. PETTY:   Objection.

7                   THE WITNESS:   No, I don't  
8       believe so.

9       QUESTIONS BY MS. BROZ:

10          Q.       Other than the fires, did you  
11       see vinyl chloride leaking from anything else  
12       other than the P -- let me take that back.  
13       Let me start my question again.

14                   Other than the fires, do you  
15       have any other evidence that vinyl chloride  
16       was leaking from any other of the valves on  
17       the vinyl chloride tank cars?

18                   MR. FUKUMURA:   Objection.

19                   THE WITNESS:   No.

20       QUESTIONS BY MS. BROZ:

21          Q.       And if you believe that, in  
22       fact, vinyl chloride was leaking from the  
23       valves on the vinyl chloride tank cars, you  
24       would have the opportunity to include that  
25       fact in the hazardous materials group chair

1 factual report which we've marked as  
2 Exhibit 3?

3 MS. PETTY: Objection.

4 THE WITNESS: Yes.

5 QUESTIONS BY MS. BROZ:

6 Q. And that wasn't included in  
7 there.

8 Correct?

9 A. I don't recall whether it was  
10 from me. I believe it was from somebody  
11 else.

12 Q. Where is that in this document?

13 A. I don't know. I could go look.

14 Q. We can go off the record and  
15 you can look -- you can look all you want.

16 A. Okay.

17 MS. BROZ: Okay. Let's go off  
18 the record.

19 VIDEOGRAPHER: We are now going  
20 off the video record. The time is  
21 currently 2:08 p.m.

22 (Off the record at 2:08 p.m.)

23 VIDEOGRAPHER: We are now back  
24 on the video record. The time is  
25 currently 2:19 p.m.

1 QUESTIONS BY MS. BROZ:

2 Q. Mr. Wood, we went off the  
3 record for about ten minutes to give you the  
4 opportunity to review Wood Deposition  
5 Exhibit 3.

6 Correct?

7 MR. FUKUMURA: For the record,  
8 this is 159-page document.

9 MS. BROZ: The document speaks  
10 for itself, Counsel. No speaking  
11 objections.

12 QUESTIONS BY MS. BROZ:

13 Q. Did you have an opportunity to  
14 review Wood Deposition Exhibit 3?

15 A. Yes. Part of it.

16 Q. And would you like to go off  
17 the record again to continue to review Wood  
18 Deposition 3?

19 A. No.

20 MS. PETTY: We're not going off  
21 the record again. If you want to use  
22 your time like this, that's fine, but  
23 it will count to your time.

24 MS. BROZ: I note for the  
25 record that the -- your opportunity to

1 review the document was restricted by  
2 your counsel and not by me.

3 MS. PETTY: Objection.

4 QUESTIONS BY MS. BROZ:

5 Q. And I believe that the reason  
6 that we went off the record was for you to  
7 find the citation in Wood Deposition  
8 Exhibit 3 where it states that the valves  
9 were leaking vinyl chloride in the five vinyl  
10 chloride railcars.

11 Did you find that citation?

12 A. The first instance of a --  
13 dealing with an angle valve is on .66.

14 Q. And on .66, does it say  
15 anything about that valve leaking vinyl  
16 chloride after the derailment?

17 A. It says, "The teardown of the  
18 angle valve, the Midland manufacturing model  
19 A720-0X-CVGFS, Serial Number GE-022-RA, found  
20 the valve stem seal was heat-damaged and  
21 missing and the gasket was heat-damaged."

22 Q. And did you find anything in  
23 what we've marked as Deposition Exhibit 3  
24 stating that the valve, in fact, was leaking?

25 A. Just that the valve gasket was

1 no longer there.

2 Q. And that's it?

3 A. Yes.

4 Q. Okay. You can set that aside.

5 Let's go back to what we've

6 marked as Deposition Exhibit 18, please.

7 A. Yes.

8 Q. Do you have that in front of  
9 you?

10 A. Yes.

11 Q. Let's go to Bates number 574.

12 A. Yes.

13 Q. Are you there?

14 And at the bottom of that page,  
15 there is a box.

16 Do you see the box?

17 A. Yes.

18 Q. And above that it says that  
19 over -- it says, "Overall site strategy and  
20 objectives."

21 Correct?

22 A. Yes.

23 Q. And below that in the box it  
24 says, the last bullet point, "Occidental,  
25 quote/unquote, requested, end quote" -- is it

1 "BLEVE model by 08:00 on conference call  
2 sourced by Norfolk Southern."

3 Do you see that?

4 A. I do see that.

5 Q. Do you know why "requested" is  
6 in quotes?

7 A. I do not.

8 Q. And was Occidental's request  
9 for a BLEVE model relayed to you?

10 A. It may have been. I don't  
11 recall.

12 Q. Did you in fact receive a BLEVE  
13 model?

14 A. I did not.

15 Q. You did not.

16 (Wood Exhibit 19 marked for  
17 identification.)

18 QUESTIONS BY MS. BROZ:

19 Q. 19?

20 So we're going to mark the next  
21 exhibit as Deposition Exhibit 19, which is an  
22 e-mail with an attachment, and we're going to  
23 put those together to make one exhibit.

24 MR. FUKUMURA: Can you give us  
25 two copies unless we're going to have



1 18 on the share screen?

2 QUESTIONS BY MS. BROZ:

3 Q. Mr. Wood, I've handed you what  
4 we've marked as Deposition Exhibit 19.

5 Do you recognize this?

6 A. I do.

7 Q. And what is it?

8 A. It's an e-mail chain.

9 Q. And you now know from your  
10 deposition to read e-mail chains from the  
11 bottom up.

12 Correct?

13 A. Yes.

14 Q. Let's go to the last e-mail in  
15 that e-mail chain, which is on Bates  
16 number 229.

17 A. Yes.

18 Q. Do you see that?

19 A. Yes.

20 Q. And that's Paul Williams  
21 sending this e-mail to you.

22 Correct?

23 A. No.

24 Q. That's you sending this e-mail  
25 to Paul Williams?

1 MR. FUKUMURA: Are we looking  
2 at the same document?

3 THE WITNESS: Yes.

4 MR. FUKUMURA: Oh, I see.

5 Sorry.

6 QUESTIONS BY MS. BROZ:

7 Q. And that e-mail was forwarded  
8 to you by a John T. Wilson of CTEH.com.

9 Correct?

10 A. Yes.

11 Q. And below that there's an  
12 e-mail from Scott Skelton, who also was at  
13 CTH.com, to an Ethan Currie at CTH.com.

14 Do you see that?

15 A. Yes.

16 Q. And is it -- who is CTEH?

17 A. They're one of our air  
18 monitoring contractors.

19 Q. And is it -- do you call them  
20 CTH, or do you call them something else?

21 A. Generally CTEH.

22 Q. And the subject line of that  
23 e-mail is, "Use this version VC BLEVE model  
24 updated."

25 Do you see that?

1 A. I do.

2 Q. And it says that there is an  
3 attachment called catastrophic failure  
4 theoretical outcomes.

5 Correct?

6 A. It does.

7 Q. And there's a PowerPoint  
8 attached to this?

9 A. According to the e-mail, yes.

10 Q. Okay. So let's go to the  
11 attachment, which starts at NS-CA-000030231.

12 Do you see that?

13 A. Starts with what?

14 Q. NS-CA-0000 --

15 A. Yes.

16 Q. -- 30231.

17 Correct?

18 A. Yes.

19 Q. And can you tell me what this  
20 is?

21 A. VCR railcar catastrophic  
22 failure.

23 Q. Is this a BLEVE model?

24 A. It appears to be a theoretic  
25 outcome of a BLEVE.

1           Q.       And why was this document sent  
2       to you?

3                   MS. PETTY:   Objection.

4                   THE WITNESS:   I would assume it  
5       was requested by someone.

6       QUESTIONS BY MS. BROZ:

7           Q.       Was it requested by you?

8           A.       No, not to my knowledge.

9           Q.       Did you review it once you  
10      received it in your e-mail on February 5,  
11      2023, at 7:41 a.m.?

12          A.       I do not recall reviewing this  
13      document.

14          Q.       Have you seen this document  
15      before today?

16          A.       I do not recall seeing this  
17      document.

18          Q.       Do you recall that a BLEVE  
19      model was prepared between February 3rd and  
20      February 6, 2023?

21          A.       According to this e-mail,  
22      apparently so.

23          Q.       Did you ever discuss with  
24      anybody the preparation of a BLEVE model?

25          A.       I did not.

1 Q. Were you concerned about the  
2 possibility of a BLEVE happening?

3 A. Yes.

4 Q. And what did -- who did you  
5 relay that concern to?

6 A. The incident commander,  
7 initially.

8 Q. And did you ask anyone to  
9 prepare a model?

10 A. I did not.

11 Q. You did not?

12 A. I did not.

13 Q. Why would John T. Wilson be  
14 sending you a copy of a BLEVE model on  
15 February 5th if you didn't ask for it?

16 MS. PETTY: Objection.

17 THE WITNESS: More than likely  
18 due to me being on site at the time.

19 QUESTIONS BY MS. BROZ:

20 Q. Any other reason?

21 A. I'm a representative from NS.

22 Q. You see that you're the only  
23 one copied on the e-mail from John T. Wilson?

24 A. I do see that.

25 Q. And you never reviewed this?

1           A.       I don't recall ever reviewing  
2     this.

3           Q.       Do you understand that this  
4     model assumes that the BLEVE will occur and  
5     calculates its impact?

6                   MS. PETTY:  Objection.

7                   THE WITNESS:  It states it's a  
8     theoretical outcome.

9     QUESTIONS BY MS. BROZ:

10          Q.       If a BLEVE were to occur?

11          A.       Yes.

12          Q.       Did you ever ask anybody to  
13     prepare a model to determine whether, in  
14     fact, a BLEVE would occur?

15          A.       I did not.

16          Q.       Do you know if anyone on your  
17     team did?

18          A.       Not to my knowledge.

19          Q.       Were you concerned about the  
20     possibility of a BLEVE in the five vinyl  
21     chloride tank cars?

22          A.       We were concerned about a  
23     catastrophic failure.

24          Q.       And what would -- what would  
25     cause a catastrophic failure in the five

1 vinyl chloride tank cars?

2 A. Internal overpressurization.

3 Q. And what would cause the  
4 internal overpressurization?

5 A. We believe the cars were  
6 polymerizing.

7 Q. Is there anything else, other  
8 than the possibility of the five vinyl  
9 chloride cars polymerizing, that would cause  
10 internal overpressurization?

11 A. The product being in pool fires  
12 would cause it to overpressurize. Failure of  
13 the car can be due to pressurization combined  
14 with damage to the tank in the derailment.  
15 So there are multiple factors that go into  
16 it.

17 Q. The pool fires would cause the  
18 tank car to heat up.

19 Correct?

20 A. Yes.

21 Q. When the tank car is heated up,  
22 the PRDs would activate?

23 A. Yes.

24 Q. If the PRDs were activating,  
25 was there any other risk of

1 overpressurization in any of the five vinyl  
2 chloride tank cars?

3 MR. FUKUMURA: Objection.

4 MS. PETTY: Objection.

5 THE WITNESS: If the PRDs  
6 ceased to operate properly due to  
7 being clogged.

8 QUESTIONS BY MS. BROZ:

9 Q. And do you have any evidence  
10 that the PRDs were clogged?

11 A. I do not.

12 Q. Okay. Have you seen any  
13 evidence that the five PRDs were clogged?

14 A. No actual evidence, no.

15 Q. Let's go back -- I know I'm  
16 jumping around, and I apologize -- back to  
17 what we previously marked as Deposition  
18 Exhibit 18.

19 A. Okay.

20 Q. Let's go to the Bates  
21 number 574.

22 A. Okay.

23 Q. And then we'll go back to that  
24 box again at the bottom of page where it says  
25 that Occidental requested the BLEVE model.



1 Do you know whether a BLEVE  
2 model was ever provided to Occidental?

3 A. I do not.

4 Q. Can you turn the page, please?  
5 We're at Bates number 575.  
6 Correct?

7 A. Yes.

8 Q. And it says in the middle of  
9 that page, "Site activities planned for the  
10 next operating period."

11 Do you see that?

12 A. Yes.

13 Q. And the next operating period  
14 would be 7 a.m. to 7 p.m. on February 5th.

15 Is that right?

16 A. I'm sorry?

17 Q. Is the next operating period  
18 7 a.m. to 7 p.m. on February 5th?

19 A. It should be, yes.

20 Q. In the middle of that box it  
21 says, "Meeting on site with SME from  
22 Occidental to review potential tactics."

23 Do you see that?

24 A. Yes.

25 Q. And SME is subject matter

1 expert?

2 A. Yes.

3 Q. And you yourself never met with  
4 anyone from Oxy -- Occidental or Oxy Vinyls.

5 Correct?

6 MS. PETTY: Objection.

7 THE WITNESS: To my knowledge,  
8 yes, I did not.

9 QUESTIONS BY MS. BROZ:

10 Q. And I don't miss -- earlier  
11 today you had testified that information --  
12 let me start that question again.

13 Earlier today you had testified  
14 that someone had told you Oxy Vinyls' opinion  
15 with respect to polymerization in the five  
16 vinyl chloride tank cars.

17 Correct?

18 MS. PETTY: Objection.

19 THE WITNESS: Yes.

20 QUESTIONS BY MS. BROZ:

21 Q. Did anyone from Norfolk  
22 Southern or its contractors relay to you any  
23 other information that was provided by Oxy  
24 Vinyls from February 3rd to February 6, 2023?

25 MS. PETTY: Objection.

1 THE WITNESS: Any other  
2 information --

3 QUESTIONS BY MS. BROZ:

4 Q. Let me try -- let me strike  
5 that. It was a bad question.

6 Other than whether the vinyl  
7 chloride tank cars are polymerizing -- I'm  
8 going to put that discussion to the side --  
9 was any other information relayed to you  
10 based upon conversations that Norfolk  
11 Southern or its contractors had with Oxy  
12 Vinyls?

13 A. Not to my knowledge, other than  
14 just general information about the product.

15 Q. What general information about  
16 the product was relayed to you?

17 A. The SDS.

18 Q. The SDS.  
19 Anything else?

20 A. Not to my knowledge.

21 Q. And what about the SDS was  
22 relayed to you?

23 A. The document.

24 Q. Oxy Vinyls' SDS?

25 A. Yes.

Robert Wood

1 MS. BROZ: Can we go off the  
2 record for a second? I left an  
3 exhibit back in the other room.

4 VIDEOGRAPHER: We are now going  
5 off --

6 MS. BROZ: Oh, wait, I have it.  
7 Never mind. Go back on.

8 (Wood Exhibit 20 marked for  
9 identification.)

10 QUESTIONS BY MS. BROZ:

11 Q. Mr. Wood, I've handed you what  
12 we've marked as Deposition Exhibit 20.

13 A. Yes.

14 Q. Do you recognize this?

15 A. Yes.

16 Q. And what is it?

17 A. It's an e-mail from David  
18 Patten.

19 Q. And are you a recipient of that  
20 e-mail from David Patten?

21 A. Yes.

22 Q. And what's the date of the  
23 e-mail?

24 A. February 4th.

25 Q. And what does Mr. Patten e-mail

1 to you?

2 A. His message is he will send the  
3 SDS as he receives them and contact  
4 information for each shipper.

5 Q. Okay. So did you receive Oxy  
6 Vinyls' SDS from Mr. Patten or from somebody  
7 from Oxy Vinyls?

8 A. It would have come from David  
9 Patten to me, who received it from Oxy  
10 Vinyls.

11 Q. And did you review that SDS?

12 A. Yes.

13 Q. Did you have any questions  
14 about the SDS?

15 A. Not related to the information  
16 on it, no.

17 Q. Did you ever ask to talk to  
18 anybody from Oxy Vinyls about the content of  
19 the SDS?

20 A. I did not.

21 Q. Did someone else?

22 A. To my knowledge, it was  
23 discussed between either SPSI personnel, NS  
24 personnel or both.

25 Q. So it's your testimony that

1       either SPSI personnel or Norfolk Southern  
2       personnel discussed Oxy Vinyls' SDS with  
3       employees of Oxy Vinyls?

4             A.       That's my understanding.

5             Q.       And who from either Norfolk  
6       Southern or SPSI discussed Oxy Vinyls' SDS  
7       with Oxy Vinyls?

8             A.       Drew McCarty from SPSI, and  
9       either Jon Simpson or Scott Gould from NS, or  
10       both.

11            Q.       And after they allegedly  
12       discussed Oxy Vinyls' SDS with members of Oxy  
13       Vinyls, did they report the conversation back  
14       to you?

15            A.       No, not immediately, they  
16       wouldn't have.

17            Q.       All right. At any point in  
18       time, did they report the conversation back  
19       to you?

20            A.       I don't recur {sic} anything  
21       specific to conversations about the SDS.

22            Q.       Did you ask them any questions  
23       about the SDS?

24            A.       I did not.

25            Q.       I'm asking you if you asked

1 Mr. McCarty, Mr. Simpson or Mr. Gould any  
2 questions about the SDS.

3 A. The SDS was discussed.

4 Q. Okay. What did you discuss?

5 A. The material listed in -- I  
6 don't have the SDS here with me.

7 Q. You do not.

8 A. It would have been in the  
9 section under emergency stuff, reactivity,  
10 hazardous polymerization, those type things.

11 Q. Was there anything about Oxy  
12 Vinyls' SDS for vinyl chloride that was  
13 confusing to you?

14 A. No.

15 Q. Did Drew McCarty, Jon Simpson  
16 or Mr. Gould -- and I apologize, I forgot his  
17 first name -- relay any information that Oxy  
18 Vinyls provided about their SDS to you?

19 MS. PETTY: Objection to the  
20 form.

21 THE WITNESS: I'm not sure I  
22 understand your question.

23 QUESTIONS BY MS. BROZ:

24 Q. You testified earlier that  
25 Mr. McCarty or Mr. Simpson or Mr. Gould

1 specifically spoke with the employees of Oxy  
2 Vinyls to ask them questions about the Oxy  
3 Vinyl SDS for vinyl chloride.

4 Is that correct?

5 A. I stated --

6 MS. PETTY: Objection.

7 THE WITNESS: -- I believe they  
8 were the ones that had the  
9 conversation.

10 QUESTIONS BY MS. BROZ:

11 Q. And after that conversation,  
12 did they relay any of that conversation to  
13 you?

14 A. I don't recall anything  
15 specific, no.

16 Q. Do you recall any general  
17 conversations you had?

18 A. About the incident in general  
19 and discussions with Oxy, yes.

20 Q. Okay. And what do you recall?

21 A. The SDS that it's stating  
22 hazardous polymerization can be caused by  
23 exposure to excessive heat, and Oxy Vinyls'  
24 personnel out of Texas stating they didn't  
25 believe the material was polymerizing.



1 Q. Other --

2 A. Those type conversations.

3 Q. Other than those types of  
4 conversations, was any information that Oxy  
5 Vinyls provided to Norfolk Southern or its  
6 contractors then provided to you?

7 MR. FUKUMURA: Objection.

8 MS. PETTY: Objection.

9 THE WITNESS: I had the SDS.

10 QUESTIONS BY MS. BROZ:

11 Q. All right. Let's put the SDS  
12 aside.

13 I just want to know if you  
14 received any information through Norfolk  
15 Southern employees or its contractors about  
16 information that was provided by Oxy Vinyls.

17 A. The statement that they believe  
18 the material was not polymerizing.

19 Q. Okay. Other than that, did you  
20 receive any other information?

21 A. Me personally, no.

22 Q. Okay. Okay. Let's go back to  
23 what we've marked as Deposition Exhibit 18.

24 Are you there?

25 A. Yes.

1           Q.       Let's go to the middle -- or  
2       the third box down after it says, "Additional  
3       pending activities not addressed above."

4           A.       Which page?

5           Q.       Bates number 575.

6           A.       Okay.

7           Q.       Do you see the third box down  
8       after it says, "Additional pending activity  
9       is not addressed above"?

10          A.       Yes.

11          Q.       And then the second statement  
12       there is, "Mitigate vinyl chloride issues,  
13       allowing evacuation to be lifted."

14                   Do you see that?

15          A.       Yes.

16          Q.       What does it mean to mitigate  
17       vinyl chloride issues?

18          A.       Correcting the issues we had  
19       that were causing safety issues.

20          Q.       Can you be more specific?

21          A.       Solving the problem we had with  
22       vinyl chloride that we believed was  
23       polymerizing.

24          Q.       Anything else?

25          A.       Cleanup of the site.

1 Q. Anything else?

2 A. Not specifically, no.

3 Q. Can you turn the page to Bates  
4 number 576, please?

5 A. Yes.

6 Q. Do you see the picture that's  
7 on that page?

8 A. Yes.

9 Q. And it was included on the  
10 incident status report?

11 A. Yes.

12 Q. Do you know what this is a  
13 picture of?

14 A. I believe it's a picture of a  
15 protective housing of a vinyl chloride car.

16 Q. Okay. And that gentleman is  
17 who?

18 A. I'm not sure who that gentleman  
19 is.

20 Q. He would have been a responder?

21 A. No, he would have been -- this  
22 would have been personnel from either NS or  
23 SPSI. And I can't tell by the picture.

24 Q. And that picture would have  
25 been taken between 7 p.m. on February 4th and

1 7 a.m. on February 5th?

2 A. It would have been taken  
3 sometime before this report was issued.

4 Q. And do you know what the  
5 gentleman is doing?

6 A. I cannot tell from this  
7 picture.

8 Q. Do you know which vinyl  
9 chloride car that was?

10 A. I do not.

11 Q. Do you see in his left hand  
12 there's a silver apparatus?

13 A. There is something in his hand,  
14 yes.

15 Q. Do you know what that is?

16 A. I can't tell from here.

17 Q. Does it look familiar to you?

18 A. I can't make out what it is.

19 Q. Why would he have been, it  
20 looks like, on top of one of the vinyl  
21 chloride cars?

22 A. Part of this would have been  
23 damage assessment and inspection of the  
24 protective housings, and if that's a pressure  
25 gauge, to try to find somewhere he could put

Robert Wood

1 a pressure gauge in. But I'm not sure that's  
2 what that is.

3 Q. Anything else that he might  
4 have been doing on that car?

5 MS. PETTY: Objection.

6 THE WITNESS: Performing damage  
7 assessment.

8 (Wood Exhibit 21 marked for  
9 identification.)

10 QUESTIONS BY MS. BROZ:

11 Q. All right. You can set that  
12 aside.

13 Mr. Wood, I've handed you what  
14 we've marked as Deposition Exhibit 21. Ask  
15 you if you identify this.

16 A. It is the Norfolk Southern  
17 incident status report.

18 Q. And if you turn to Bates  
19 number 1933, what is the date of the status  
20 report?

21 A. It says 2/5/2023.

22 Q. And operational period?

23 A. It says 5.

24 Q. And would that be between  
25 7 p.m., February 5th, to 7 a.m.,

1 February 6th?

2 A. I'm not sure, based on the  
3 description.

4 Q. If you go back to what we just  
5 set aside as Deposition Exhibit 18 and  
6 compare the dates and times for those two  
7 documents.

8 A. Yes.

9 So this would have been the  
10 incident status report published the morning  
11 of 2/5.

12 Q. 7 a.m. on 2/5?

13 A. Yes.

14 Q. And it reflects what happened  
15 between what period and what period?

16 MR. FUKUMURA: Objection.

17 THE WITNESS: I'm sorry, I  
18 didn't hear you.

19 QUESTIONS BY MS. BROZ:

20 Q. Let me just go back to this  
21 other one. One second, please.

22 Deposition Exhibit 18 is from  
23 operational period 7 p.m. to 7 a.m. on  
24 February 5th.

25 Am I right about that?

1 A. Yes.

2 Q. And this one is from -- on 2/5,  
3 and you're saying this is from 7 p.m. on the  
4 4th to 7 a.m. on the 5th?

5 A. No, it would have been --  
6 started at 7 p.m. on the 5th.

7 Q. On February 5th?

8 A. Yes.

9 Q. And gone till 7 a.m. on  
10 February 6th?

11 A. At this point in time, I think  
12 we were only doing one a day.

13 Q. Okay. So it would have been  
14 for a 24-hour period?

15 A. Yes.

16 Q. Okay. So if you turn to the  
17 next page -- two pages, with Bates  
18 number 1935.

19 A. Yes.

20 Q. I'm sorry, 1936. I got the  
21 wrong page number.

22 A. Yes.

23 Q. And the second box, first  
24 bullet point, it says, "The fourth  
25 operational period was from February 5, 2023,

1 from 7 a.m. to 7 p.m."

2 Correct?

3 A. Correct.

4 Q. Do you have a report from that  
5 fourth operational period?

6 A. I do not.

7 Q. Have you seen one?

8 A. As I say, I believe we were  
9 just at this time producing one a day.

10 Q. Even though this is from  
11 operational period 5 and this bullet point  
12 says that there was an operational period 4?

13 A. When it was -- yes. When  
14 this -- when this document was published  
15 would have been during night shift on the  
16 5th.

17 Q. You're on 1936 still?

18 You can use your reading  
19 glasses. They help.

20 A. Yes.

21 Q. Okay. In the last box there?

22 A. Yes.

23 Q. And it says, "Site prep work  
24 begun overnight for vent and burn, with  
25 arrival expected of demo experts for planned



1 event on 2/6/23."

2 Do you see that?

3 A. Yes.

4 Q. When were the demo experts  
5 first contacted to come to East Palestine?

6 A. Somewhere around 5 p.m.

7 Q. On what date?

8 A. On the 5th.

9 MS. PETTY: Counsel, we note  
10 that you're at about an hour of  
11 questioning time. If you have a  
12 couple more questions, that's fine.

13 MS. BROZ: We can take a break  
14 and -- why don't we take a break, and  
15 we'll reassess.

16 MR. FUKUMURA: Yeah.

17 VIDEOGRAPHER: We are now going  
18 off the video record. The time is  
19 currently 2:51 p.m.

20 (Off the record at 2:51 p.m.)

21 VIDEOGRAPHER: We are now back  
22 on the video record. The time is  
23 currently 2:57 p.m.

24 QUESTIONS BY MS. BROZ:

25 Q. Mr. Wood, when we broke, we

1       were looking at Deposition Exhibit 21, Bates  
2       number ending 1936.

3                       Are you still there?

4               A.       Yes.

5               Q.       And you testified, I believe,  
6       and please correct me if I'm wrong, that you  
7       called the demo experts at 5 p.m. on  
8       February 5th to ask them to come to East  
9       Palestine?

10              A.       I did not contact them. Chip  
11      Day with SRS actually contacted them.

12              Q.       Were you on that phone call  
13      with him?

14              A.       No.

15              Q.       Did you tell him to contact  
16      them?

17              A.       I did.

18              Q.       And why did you tell him to  
19      contact them?

20              A.       Because we believed  
21      polymerization was going on in the vinyl  
22      chloride tank cars and that we were going to  
23      need to perform a vent and burn.

24              Q.       And did you have Chip Day  
25      contact the demo experts before or after you

1 spoke with Chief Drabick?

2 A. It would have been right about  
3 the same time.

4 Q. You know it's impossible to do  
5 two things at once, so was it before or  
6 after?

7 A. We had the discussion right  
8 outside the fire station before I walked in  
9 and talked to the chief.

10 Q. You and Chip Day had the  
11 discussion outside the fire station to call  
12 the demo experts before you talked to Chief  
13 Drabick?

14 A. Yes.

15 Q. And are these demo experts  
16 called Explosive Services International?

17 A. I know them as ESI, but I think  
18 that's what it stands for.

19 Q. Let's go back to what was  
20 previously marked as Deposition Exhibit 9,  
21 please.

22 MR. FUKUMURA: It's the chart.

23 THE WITNESS: Yeah, it's --

24 MS. PETTY: Counsel, while  
25 everyone is looking for the document,

1           can someone just tell how much, if  
2           any, time has been ceded to counsel  
3           for Oxy?

4                   MS. BROZ: Not a specific  
5           amount of time, but they have ceded  
6           their time to me.

7                   MS. PETTY: Okay.

8   QUESTIONS BY MS. BROZ:

9           Q.       Are you there?

10          A.       Yes.

11          Q.       Okay. And if you turn to --  
12   we're now referring to the numbers in the top  
13   right-hand corner, the .2?

14          A.       Yes.

15          Q.       And these were temperature  
16   readings that were recorded on the  
17   spreadsheet that was maintained by Norfolk  
18   Southern.

19                   Correct?

20          A.       Yes.

21          Q.       And if I'm reading this  
22   correctly, and I don't do it well with  
23   military time, 15:30 is 3:30 p.m.?

24          A.       Yes.

25          Q.       And that's on February 6th?

1           A.       Yes.

2           Q.       And the vinyl chloride car that  
3       you were most concerned about, OCPX80370, had  
4       dropped 126 degrees.

5                   Is that correct?

6           MS. PETTY:  Objection.

7           THE WITNESS:  The temperature  
8       readings we were getting from the  
9       surface of the tank were 126 degrees.

10       QUESTIONS BY MS. BROZ:

11          Q.       Is there any temperature  
12       reading at which you would have called off  
13       the vent and burn operation?

14          MS. PETTY:  Objection.

15          THE WITNESS:  The discussion  
16       about if the temperature approached  
17       185 degrees.

18       QUESTIONS BY MS. BROZ:

19          Q.       Let me put it the other way.  
20       The temperature is going down.

21                   Correct?

22          MS. PETTY:  Objection.

23          THE WITNESS:  The temperature  
24       was 126 at 14:30, yes.

25

1 QUESTIONS BY MS. BROZ:

2 Q. And that is lower than it was  
3 recorded at any time prior?

4 A. Yes.

5 Q. Is there a temperature reading  
6 that you would have obtained from OCPX80370  
7 that would have caused you to call off the  
8 vent and burn operation on February 6th?

9 MR. FUKUMURA: Objection.

10 MS. PETTY: Objection. Form.

11 THE WITNESS: I know of no  
12 discussion about a low-end  
13 temperature, no.

14 QUESTIONS BY MS. BROZ:

15 Q. So regardless of what the  
16 temperature reading was of OCPX80370, you  
17 would have gone ahead with the vent and burn?

18 MS. PETTY: Objection.

19 MR. FUKUMURA: Objection.

20 THE WITNESS: Based on the  
21 information at hand, the incident  
22 commander agreed.

23 QUESTIONS BY MS. BROZ:

24 Q. Agreed what?

25 A. The incident commander agreed

1 to have the vent and burn conducted. It was  
2 ultimately his decision.

3 Q. And regardless of what the  
4 temperature readings you were getting off of  
5 any of the vinyl chloride cars?

6 MR. FUKUMURA: Objection.

7 MS. PETTY: Objection.

8 THE WITNESS: The incident  
9 commander had the same information we  
10 did.

11 QUESTIONS BY MS. BROZ:

12 Q. Of the temperature readings?

13 A. Yes.

14 Q. And there was no discussion,  
15 after seeing at 3:30 on February 6th the  
16 temperature reading of 126 degrees, of  
17 calling off the vent and burn of the five  
18 vinyl chloride tank cars?

19 MR. FUKUMURA: Objection.

20 THE WITNESS: I was no part of  
21 any discussion.

22 QUESTIONS BY MS. BROZ:

23 Q. And you didn't initiate any  
24 discussion?

25 A. I did not.

1 (Wood Exhibit 22 marked for  
2 identification.)

3 QUESTIONS BY MS. BROZ:

4 Q. Mr. Wood, I've handed you what  
5 we've marked as Deposition Exhibit 22 and ask  
6 you if you recognize that.

7 A. Yes.

8 Q. And what is it?

9 A. It's the instructions provided  
10 to NS on how the protective housings and  
11 pressure plates were to be removed from the  
12 vinyl chloride cars.

13 Q. Did you have any say in how the  
14 pressure plates or valve assemblies were to  
15 be removed --

16 MR. FUKUMURA: Objection.

17 QUESTIONS BY MS. BROZ:

18 Q. -- from the vinyl chloride  
19 cars?

20 MR. FUKUMURA: Objection.

21 THE WITNESS: No, other than  
22 what type of equipment we would have  
23 to use to remove them.

24 QUESTIONS BY MS. BROZ:

25 Q. So your role in this operation



1 was just to provide the correct equipment to  
2 remove the pressure plates from the vinyl  
3 chloride tank cars?

4 A. It was the instructions  
5 provided to the contractor and personnel  
6 overseeing removal of the pressure plates.

7 Q. And who was the contractor?

8 A. SPSI and SRS.

9 Q. And who hired the contractor?

10 A. They were emergency response  
11 contractors already working on site.

12 Q. Who hired them?

13 A. Norfolk Southern.

14 (Wood Exhibit 23 marked for  
15 identification.)

16 QUESTIONS BY MS. BROZ:

17 Q. All right. I hand you what  
18 we've marked as Deposition Exhibit 23.

19 Do you recognize that?

20 A. Yes.

21 Q. And what is it?

22 A. It is an e-mail from Paul  
23 Stauncil informing me that Oxy Vinyl  
24 personnel were going to take samples from the  
25 five vinyl chloride cars.

1           Q.       And do you see that the second  
2       sentence of that says, "The purpose of this  
3       call is to discuss sampling protocol, timing  
4       and logistics, given ongoing work to purge  
5       and clean the tank cars"?

6                   Do you see that?

7           A.       I do.

8           Q.       And did you, in fact, discuss  
9       sampling protocols, timing and logistics on  
10      this call?

11          A.       I don't recall whether I was  
12      part of the call or whether it was the folks  
13      who were going to be on site. I can't say I  
14      wasn't part of the call. I just don't recall  
15      it.

16          Q.       Did you forward this invitation  
17      to anyone who was on site at the time?

18          A.       I don't recall forwarding it.

19          Q.       So more likely than not, you  
20      were on this call?

21                   MR. FUKUMURA: Objection.

22                   MS. PETTY: Objection.

23                   THE WITNESS: I would say yes.

24      QUESTIONS BY MS. BROZ:

25          Q.       And do you recall ever

1 discussing sampling protocols, timing or  
2 logistics of taking residue samples from the  
3 five vinyl chloride tank cars?

4 A. We would have had to have  
5 discussions when the pressure plates were  
6 going to be taken off and the cars would be  
7 made accessible.

8 Q. And now to answer my question,  
9 did you discuss any sampling protocols,  
10 timing and logistics --

11 MR. FUKUMURA: Objection.  
12 Foundation.

13 QUESTIONS BY MS. BROZ:

14 Q. -- for taking residue samples  
15 from the five vinyl chloride tank cars?

16 MR. FUKUMURA: Objection.  
17 Foundation.

18 MS. PETTY: Objection.

19 THE WITNESS: I would have had  
20 to have been involved in the timing.  
21 The actual protocols, I don't think  
22 so.

23 QUESTIONS BY MS. BROZ:

24 Q. So you don't have any opinions  
25 on whether the protocols were proper?

1 MR. FUKUMURA: Objection.

2 THE WITNESS: No.

3 QUESTIONS BY MS. BROZ:

4 Q. And after February 6th of 2023,  
5 did you ever go back to East Palestine?

6 A. Yes.

7 Q. When was that?

8 A. Which time?

9 Q. That's what I'm asking.

10 A. I've been in East Palestine off  
11 and on since that day.

12 Q. How soon after February 6th did  
13 you return?

14 A. Within like three or four days.

15 Q. Were you present when the  
16 pressure plate valve assemblies were removed?

17 A. No.

18 Q. Who was present?

19 A. I believe Scott Gould was our  
20 representative there with NTSB.

21 Q. All right. Anyone else?

22 A. Might have been Paul Williams,  
23 but I can't guarantee that. I believe it was  
24 Scott Gould from NS.

25 (Wood Exhibit 24 marked for

1 identification.)

2 QUESTIONS BY MS. BROZ:

3 Q. All right. So I lied. I have  
4 one more exhibit.

5 Mr. Wood, I've handed you what  
6 we've marked as Deposition Exhibit 24 and ask  
7 you if you recognize this.

8 A. It is a Norfolk Southern  
9 incident status report.

10 Q. And what is the date of the  
11 report?

12 A. 2/6/2023.

13 Q. And for what operational  
14 periods?

15 A. It says 6 and 7.

16 Q. And what would that cover?

17 A. It should -- that 24-hour  
18 period.

19 Q. Turn your attention --

20 A. It should be from --

21 Q. Go ahead.

22 A. Should be from 7 a.m. that  
23 morning till the next morning.

24 Q. So 7 a.m. on February 6th to  
25 7 a.m. on February 7th?

1           A.       Should be, yes.

2           Q.       Turn your attention to the  
3   Bates number 324.

4           A.       Okay. Yes.

5           Q.       And you see that second large  
6   box at the bottom of the page?

7           A.       Yes.

8           Q.       And the seventh bullet down?

9           A.       Yes.

10          Q.       Do you see where it says,  
11   "Post-demo, it was noted that Tank Cars  
12   OCPX80179 and OCPX80370 showed visual  
13   confirmation of active polymerization noted  
14   by extended vapor release, two minutes of  
15   vapor space hole, versus the other three cars  
16   and distinct solid product released entrained  
17   in the plume"?

18                   Do you see that?

19          A.       I do.

20          Q.       Can you explain to me what that  
21   means?

22          A.       That was the description  
23   provided by the observers who set the blasts  
24   off.

25          Q.       By the demo experts?

1 A. Yes.

2 Q. ESI?

3 A. And SPSI was there with them.

4 And SRS was there with them as well to assist  
5 them.

6 Q. So let me backtrack again.

7 This description was provided  
8 by ESI?

9 MR. FUKUMURA: Objection.

10 QUESTIONS BY MS. BROZ:

11 Q. I'm asking a question.

12 A. I'm not sure which employee  
13 specifically, but there were three  
14 contractors at the site where the demolitions  
15 were set off: SRS, SPSI and ESI.

16 Q. When were they on site?

17 A. Right up through when the vent  
18 and burn took place.

19 Q. This is saying post-demo,  
20 though, correct? This bullet point?

21 Read the bullet point.

22 A. Yes.

23 Q. Okay. And are they saying  
24 post-demo it was noted that the tank cars  
25 showed visual confirmation?

1           A.       That was their explanation when  
2       they blew the holes in the cars.

3           Q.       And was SRS and SPSI part of  
4       the blowing the holes in the cars?

5           A.       They assisted.

6           Q.       How did they assist?

7           A.       Mainly accessing the sites.  
8       SRS and SPSI, their folks were the most  
9       familiar with the cars. I don't know  
10      specifically that they assisted setting any  
11      explosives, but they were there to assist ESI  
12      if they needed it.

13          Q.       So ESI set the explosives?

14          A.       Yes.

15          Q.       And this information that  
16      post-demo it was noted that tank cars  
17      OCPX80179 and OCPX80370 showed visual  
18      confirmation of active polymerization, where  
19      did that statement come from?

20          A.       One of those -- the  
21      employees -- and I -- to be honest with you,  
22      I don't remember which company they worked  
23      for. Their description of it, they were at a  
24      viewing area where they set the charges off.

25          Q.       Where was this viewing area?



1           A.       They could see all five cars.  
2       It was somewhere down off Taggart Road, I  
3       think.

4           Q.       While they were being vented  
5       and burned?

6           A.       Yes.

7           Q.       And from -- how far away were  
8       they from the vent and burn?

9           A.       I do not know. You would have  
10      to ask them.

11          Q.       And who am I asking?

12          A.       Drew McCarty with SPSI, Chip  
13      Day with SRS, and Mr. Poe with ESI.

14          Q.       And that was who was reported  
15      that showed visual confirmation of active  
16      polymerization?

17          A.       Some representative from one of  
18      those companies.

19          Q.       All right. And this other  
20      information about the extended vapor release  
21      also came from them?

22          A.       Yes.

23          Q.       And the other three cars and  
24      distinct solid product release entrained in  
25      the plume also came from them?

1           A.       Yes.

2           Q.       Who put together this  
3       particular incident status report that we've  
4       marked as Deposition Exhibit 24?

5           A.       I do not know who put the  
6       document together.

7           Q.       Is there any way to tell from  
8       your records who put the document together?

9           A.       There may be, but I don't know.  
10       I'm not sure how.

11          Q.       Did you ever see at the demo  
12       site any visual confirmation -- let me strike  
13       that question again.

14                   Did you ever see at the demo  
15       site any evidence of active polymerization  
16       from the five vinyl chloride tank cars?

17          A.       I did not witness any.

18                   MS. BROZ:   That's all the  
19       questions I have, Mr. Wood.

20                   THE WITNESS:   Okay.

21                   VIDEOGRAPHER:   Want to go off  
22       the record?

23                   MR. ELLIS:   Sure, just to  
24       switch spots.

25                   VIDEOGRAPHER:   We are now going

Robert Wood

1 off the video record. The time is  
2 currently 3:14 p.m.

3 (Off the record at 3:14 p.m.)

4 VIDEOGRAPHER: We are now back  
5 on the video record. The time is  
6 currently 3:16 p.m.

7 DIRECT EXAMINATION

8 QUESTIONS BY MR. ELLIS:

9 Q. Mr. Wood, my name is Robert  
10 Ellis. I represent GATX and General American  
11 Marks. I'm going to ask you a series of  
12 questions.

13 When I refer to GATX, can we  
14 have the understanding that I'm referring  
15 both to GATX and General American Marks?

16 A. Yes.

17 Q. Okay. Great.

18 I know you've answered some  
19 questions about your cell phone. I just have  
20 a few more follow-ups to it.

21 So it sounds like sometime in  
22 the spring you gave your work iPhone to some  
23 folks to collect materials off of it.

24 Correct?

25 A. That's correct.

1           Q.       Okay. Was that about the time  
2       you got a new phone?

3                   MS. PETTY: Objection.

4                   THE WITNESS: I don't remember  
5       when I got the iPhone I have now. I  
6       honestly don't remember.

7       QUESTIONS BY MR. ELLIS:

8           Q.       Okay. Was it sometime in 2023?

9           A.       Whether it was before the  
10       incident or after the incident.

11                   I've gotten a new computer  
12       since then, I know. I just don't remember  
13       when I got the newest iPhone.

14           Q.       You have your iPhone with you  
15       here today.

16                   Right?

17           A.       Yes.

18           Q.       Okay. Do you still have texts  
19       on the iPhone that you have with you here  
20       today that are from the period after the  
21       derailment in February, say, February 3rd to  
22       February 6th? Are those still on your phone  
23       right now?

24           A.       I assume they are.

25           Q.       Okay. Did you check during any

1 of the breaks?

2 A. No.

3 Q. Immediately after the  
4 derailment, did you have any conversations  
5 with anybody at GATX?

6 A. I don't recall any  
7 conversations with GATX.

8 Q. Did you reach out to anybody at  
9 GATX for any information at any time between  
10 February 3rd and February 8th of 2023?

11 A. I did not.

12 Q. Are you aware of anybody at  
13 Norfolk Southern reaching out to somebody  
14 from GATX?

15 A. I am not aware of anyone.

16 Q. Okay. Did you ever think to  
17 reach out to somebody at GATX in that period  
18 of time immediately after the derailment?

19 A. I did not.

20 Q. And I take it then you didn't  
21 instruct anybody from the Norfolk Southern  
22 team to reach out to somebody from GATX for  
23 information relating to any of the GATX cars  
24 that were involved in the derailment?

25 A. I did not.

1           Q.       Okay. Did you -- are you aware  
2       that GATX had one of the VCM cars involved in  
3       the derailment?

4           A.       At the time of the derailment,  
5       all we knew were the shippers, and that's who  
6       we make initial con -- contact with, the  
7       shippers of record of the car. History shows  
8       that cars are leased, and some are privately  
9       owned, some are leased.

10                    So, no, that is not normally  
11       one of the calls we would make.

12           Q.       Okay. My question was a little  
13       different.

14                    Were you aware that GATX95098  
15       was one of the VCM cars involved in the  
16       derailment?

17           A.       Yes. I knew the car number  
18       was, yes.

19           Q.       Okay. And you knew that GATX  
20       is a car designation for GATX the company.

21                    Right?

22           A.       Yes.

23           Q.       Okay. That was something you  
24       were familiar with.

25                    Correct?

1 A. Yes.

2 Q. Okay. And you knew that GATX,  
3 I think as you just said, leases railcars.  
4 Right?

5 A. Yes.

6 Q. Okay. Did you receive any  
7 drawings related to GATX95098 in that time  
8 immediately after the derailment between  
9 February 3rd and February 6th?

10 A. I don't recall any.

11 Q. Did you ask for any drawings  
12 from GATX95098 in that period between  
13 February 3rd and February 6, 2023?

14 A. I did not.

15 Q. Are you aware of anybody at  
16 Norfolk Southern looking at or requesting  
17 drawings for GATX95098?

18 A. I'm not aware of any.

19 Q. Okay. What about for the --  
20 we've heard the abbreviation PRD referred to  
21 from time to time today.

22 That's the pressure relief  
23 device, correct?

24 A. That's correct.

25 Q. In other words, a pressure

1 relief valve.

2 Correct?

3 A. Correct.

4 Q. Did you see any of the  
5 specifications for the PRD that was on 95098  
6 in the time period immediately after the  
7 derailment, say, February 3rd to February 6,  
8 2023?

9 A. I did not.

10 Q. Did you ask for any  
11 specifications relating to that PRD?

12 A. No. The only thing we knew  
13 were the settings of the PRDs because they're  
14 posted in the car information.

15 Q. The car information that was  
16 part of the consist?

17 A. No, the -- no. What you find  
18 in UMLER.

19 Q. Okay. So you went to UMLER to  
20 look at the PRD settings for the various  
21 cars?

22 A. That would be a common thing to  
23 do. I don't know that I personally did it,  
24 but I know someone did.

25 Q. Okay. And my question was, did



1       you do it?

2               A.       I don't think so.

3               Q.       Okay. Other than looking at  
4       UMLER, did you get any other specifications  
5       related to the PRD on 95098?

6                       MR. FUKUMURA: Objection.

7                       THE WITNESS: No.

8       QUESTIONS BY MR. ELLIS:

9               Q.       What about after the vent and  
10       burn? Did you ever have any contact with  
11       anybody from GATX as to how to address the  
12       derailment or subsequent cleanup after the  
13       vent and burn?

14                      MR. FUKUMURA: Objection.

15                      MS. PETTY: Objection.

16                      THE WITNESS: No.

17       QUESTIONS BY MR. ELLIS:

18               Q.       Did you think to ask anybody at  
19       GATX for any information after the  
20       derailment?

21               A.       No.

22               Q.       I take it then that you didn't  
23       instruct anybody to ask GATX for any  
24       information after the derailment?

25               A.       To my knowledge, no.

1           Q.       Okay. And I take it as you sit  
2       here today, you've never had any  
3       conversations with anybody at GATX about this  
4       derailment.

5                   Is that correct?

6           A.       That, I -- that, I can't state  
7       for sure because there were tank car owners  
8       as part of NTSB stuff. So the possibility  
9       exists I may have spoke with them.

10          Q.       Okay. Leaving out the NTSB  
11       stuff, as you've characterized it, any  
12       conversations with anybody at GATX about the  
13       derailment?

14          A.       No.

15          Q.       And I think you testified  
16       earlier today, this is the first derailment  
17       that you had involving VCM cars that need to  
18       be vented and burned.

19                   Correct?

20          A.       Yes.

21          Q.       And this is, in fact, the first  
22       derailment you were involved with with any  
23       vent and burn.

24                   Correct?

25          A.       Yes.

1 Q. Norfolk Southern transports VCM  
2 quite frequently.

3 Correct?

4 MS. PETTY: Objection.

5 THE WITNESS: Yes. I'm not  
6 exactly sure the volumes, but --

7 QUESTIONS BY MR. ELLIS:

8 Q. It's a part of Norfolk  
9 Southern's day-to-day operations to transport  
10 cars that have VCM.

11 Correct?

12 A. Yes.

13 Q. Okay. And a derailment  
14 involving cars with VCM is something that is  
15 foreseeable to Norfolk Southern.

16 Correct?

17 MS. PETTY: Objection.

18 THE WITNESS: We have  
19 derailments, yes.

20 QUESTIONS BY MR. ELLIS:

21 Q. Yes.

22 And the possibility that one of  
23 those derailments would involve a car with  
24 VCM is something that Norfolk Southern could  
25 foresee.

1 Correct?

2 MS. PETTY: Objection.

3 THE WITNESS: Yes.

4 QUESTIONS BY MR. ELLIS:

5 Q. What was the last derailment  
6 that you were involved with before the East  
7 Palestine?

8 A. Directly on site?

9 Q. Sure. We're going to start  
10 with that, and then since you characterized  
11 it that way, I'm going to ask you indirectly.

12 A. Directly on site, the main one  
13 that comes to mind would have been in Bartow,  
14 Georgia.

15 Q. Okay. When was that?

16 A. February -- I'm sorry, January  
17 of 2019.

18 Q. Okay. What about indirectly?

19 A. And I'm sure I was on the sites  
20 of others, but that's one of the ones that  
21 comes to mind.

22 Indirectly, if it involves NS  
23 HAZMAT personnel, I know about it.

24 Q. Okay. So what was the one  
25 immediately preceding East Palestine that

1 involved Norfolk Southern HAZMAT personnel?

2 A. Oh, I would have to go check  
3 the records. I honestly don't remember.

4 Q. Before the East Palestine  
5 derailment, were you familiar with the  
6 concept of polymerization?

7 A. Yes.

8 Q. You do not consider yourself an  
9 expert in polymerization.

10 Am I correct about that?

11 A. No.

12 Q. Am I correct about that?

13 A. You're correct.

14 Q. Thank you. That was little  
15 ships passing in the night.

16 What's the closest you got to  
17 95098?

18 MR. FUKUMURA: Objection.

19 THE WITNESS: The closest I got  
20 to --

21 QUESTIONS BY MR. ELLIS:

22 Q. To that tank car, to 95098.

23 A. I would say 100 feet.

24 Q. Did you yourself ever examine  
25 the PRD on 95098 at any time after the

1       derailment?

2               A.       I did not.

3               Q.       How about the -- any portion of  
4       95098?

5                       I assume that since the closest  
6       you got is 100 feet, you didn't examine any  
7       part of GATX95098 after the derailment.

8                       Is that correct?

9               MS. PETTY:  Objection.

10              THE WITNESS:  So let me  
11       clarify.

12                      During emergency operations, I  
13       was never within 100 feet of the car.

14                      After the vent and burn and  
15       after NTSB come out, I viewed all of  
16       the cars.

17       QUESTIONS BY MR. ELLIS:

18              Q.       Okay.  And the first time you  
19       got within 100 feet of GATX95098 to see and  
20       examine that car was after the vent and burn.

21                      Correct?

22              MS. PETTY:  Objection.

23              THE WITNESS:  For me to  
24       personally get that close, correct.  
25       There was a video feed from a

1           sheriff's department camera that was  
2           piped into the command post that we  
3           were able to view.

4       QUESTIONS BY MR. ELLIS:

5           Q.       Okay. My question was, the  
6           first time you yourself ever personally  
7           examined GATX95098 was after the vent and  
8           burn was executed.

9                    Correct?

10          A.       That's correct.

11                   MS. PETTY: Objection.

12       QUESTIONS BY MR. ELLIS:

13          Q.       Before then, the closest you  
14          got was within 100 feet.

15                    Correct?

16          A.       Myself, yes, correct.

17          Q.       You were asked some questions,  
18          and you gave some testimony about VCM that  
19          was released from the cars via a valve other  
20          than the PRD.

21                    Do you remember that testimony?

22          A.       Yes.

23          Q.       Did you reach that conclusion  
24          with respect to GATX95098?

25          A.       I don't have specifics to which

1 cars. Most all the cars I saw had fires from  
2 all the valves on them that you could observe  
3 from video feed.

4 Q. Okay. So was your -- so let me  
5 ask -- let me ask you this question.

6 As you sit here today, have you  
7 reached a conclusion that VCM was released  
8 from GATX95098 via a valve other than the  
9 PRD?

10 MR. FUKUMURA: Objection.

11 MS. PETTY: Objection.

12 THE WITNESS: I can't say  
13 specific without actually looking at  
14 the records on the car. I don't know.

15 QUESTIONS BY MR. ELLIS:

16 Q. As you sit here today, do you  
17 know whether or not VCM was released from a  
18 valve other than the PRD with respect to  
19 GATX95098?

20 A. I cannot say that.

21 Q. Would you take a look -- oh, I  
22 had a question.

23 I think we saw in some of your  
24 testimony to NTSB the discussion of a  
25 decision tree.



1 Do you remember that --

2 A. Yes.

3 Q. -- testimony?

4 A. Yes.

5 Q. Okay. And that decision tree  
6 was a decision tree that you undertake when  
7 there's a derailment.

8 Is that correct?

9 MS. PETTY: Objection.

10 THE WITNESS: Yes, specific to  
11 tank cars.

12 QUESTIONS BY MR. ELLIS:

13 Q. Okay. So anytime a tank car  
14 derails, Norfolk Southern has a decision tree  
15 that it undertakes in order to determine what  
16 its response should be.

17 Correct?

18 MS. PETTY: Objection.

19 THE WITNESS: Yes.

20 QUESTIONS BY MR. ELLIS:

21 Q. Is that in writing?

22 A. No, it's in training material  
23 for all railroad response. It's common  
24 knowledge.

25 Q. My question was, is your

1 decision tree in writing?

2 A. No.

3 Q. When you were reaching  
4 conclusions -- let me ask you this.

5 Did you make a determination at  
6 some time after February 3rd and before the  
7 vent and burn that the PRD on GATX95098 had  
8 stopped functioning?

9 MR. FUKUMURA: Objection.

10 THE WITNESS: Not a definitive  
11 determination, but that's what we  
12 believed.

13 QUESTIONS BY MR. ELLIS:

14 Q. Okay. My question was, did you  
15 make a determination that the PRD on 95098  
16 had stopped functioning?

17 MS. PETTY: Objection.

18 THE WITNESS: I had not.

19 QUESTIONS BY MR. ELLIS:

20 Q. Have you ever reached that  
21 conclusion?

22 A. I have not.

23 Q. Would you mind getting out Wood  
24 Exhibit 8?

25 A. 8?

1 Q. It's somewhere in the stack,  
2 and it's this little --

3 A. Yeah.

4 Q. But that's the back of it. So  
5 if you're looking for the front, it looks  
6 like that. But it's really that. The part I  
7 want to talk to you about is the chart.

8 A. Here it is. Yes, I have it.

9 Q. Okay. If you take a look on  
10 the other side, it's got the chart.

11 A. Yes.

12 Q. And this chart relates to one  
13 of the Oxy VCM cars, 80370.

14 Correct?

15 A. Correct.

16 Q. Okay. Did you ever do a chart  
17 like this for 95098?

18 MR. FUKUMURA: Objection.

19 QUESTIONS BY MR. ELLIS:

20 Q. GATX95098?

21 MR. FUKUMURA: Objection.

22 THE WITNESS: I did not.

23 QUESTIONS BY MR. ELLIS:

24 Q. Okay. And do you see here the  
25 arrow decision to vent and burn that was

1       about -- if you look at the X axis of this,  
2       about 17:00?

3                       Do you see that?

4                       MS. PETTY:  Objection.

5                       THE WITNESS:  I do.

6       QUESTIONS BY MR. ELLIS:

7               Q.       Okay.  And 17:00, 5 p.m.,  
8       that's -- decision to vent and burn, and it  
9       shows the temperature of 80370 to be  
10      somewhere between 103 and 140 degrees.

11                      Correct?

12                      MS. PETTY:  Objection.

13                      THE WITNESS:  That's what the  
14      graph shows, yes.

15      QUESTIONS BY MR. ELLIS:

16              Q.       And that's, in your experience,  
17      what the temperatures were reading at that  
18      time.

19                      Correct?

20                      MR. FUKUMURA:  Objection.

21                      MS. PETTY:  Objection.

22                      THE WITNESS:  The surface  
23      temperature of this tank car, that's  
24      what readings we were getting at that  
25      time.

1 QUESTIONS BY MR. ELLIS:

2 Q. Okay. And GATX95098, it never  
3 got anywhere close to that.

4 Correct?

5 MS. PETTY: Objection.

6 THE WITNESS: I don't know.

7 QUESTIONS BY MR. ELLIS:

8 Q. Okay. From the temperature  
9 readings you saw, GATX95098 never got  
10 anywhere close to what is recorded here on  
11 this graph.

12 Right?

13 MS. PETTY: Objection.

14 THE WITNESS: The temperatures  
15 we got for the car never got above 165  
16 off the bolster because we didn't have  
17 access to the tank.

18 QUESTIONS BY MR. ELLIS:

19 Q. Oh. And GATX95098, you never  
20 got a temperature off the tank that was  
21 anywhere near 135 degrees.

22 Correct?

23 MR. FUKUMURA: Objection.

24 MS. PETTY: Objection.

25 THE WITNESS: We never got a

1 temperature off the tank.

2 QUESTIONS BY MR. ELLIS:

3 Q. All right. Am I correct that  
4 you never got a temperature from the tank of  
5 95098 that was anywhere near 135 degrees?

6 A. We did not.

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Objection.

9 QUESTIONS BY MR. ELLIS:

10 Q. And in fact, the highest  
11 temperature for 95098 that you got was about  
12 67 degrees.

13 Correct?

14 MR. FUKUMURA: Objection.

15 THE WITNESS: If that's what  
16 the chart shows, yes, 67 degrees was  
17 the temperature we got off the  
18 bolster.

19 QUESTIONS BY MR. ELLIS:

20 Q. And when you say "got off the  
21 bolster," what do you mean?

22 Explain for the folks that are  
23 going to be watching this what you mean by  
24 "getting off the bolster."

25 A. The tank car is welded onto

1 pads that are then welded to the bolsters,  
2 which are the frames that sits on the trucks  
3 that carry the wheels.

4 It's the only accessible piece  
5 that had some kind of direct contact or  
6 indirect contact to the tank.

7 Q. On GATX95098?

8 A. On all of the vinyl chloride  
9 cars with the exception of 80370.

10 Q. Okay. So, and let me ask you  
11 about that temperature reading and taking  
12 those temperatures.

13 Somebody was using an IR  
14 temperature gun to measure the temperatures  
15 on the five VCM cars.

16 Correct?

17 MR. FUKUMURA: Objection.

18 MS. PETTY: Objection.

19 THE WITNESS: That's my  
20 understanding.

21 QUESTIONS BY MR. ELLIS:

22 Q. Okay. Did you ever operate  
23 that IR gun?

24 A. I did not.

25 Q. Okay. Did you see it?

1           A.       I did not.

2           Q.       Who told you that it was an IR  
3       gun that was being used to take the  
4       temperature on the various -- on the five VCM  
5       tank cars?

6           A.       I believe it was Drew McCarty  
7       with SPSI.

8           Q.       Okay. Was Drew McCarty the one  
9       operating the gun?

10          A.       I don't believe so, but I don't  
11       know that.

12          Q.       Was there a uniform procedure  
13       used by the operator of the IR gun to take  
14       the temperature of the various -- of the five  
15       VCM tank cars that were involved in the  
16       derailment?

17                   MR. FUKUMURA: Objection.

18                   MS. PETTY: Objection.

19                   THE WITNESS: I don't know  
20       their exact procedure. Was just every  
21       hour to return to the car and the one  
22       section of the tank that was exposed,  
23       get a temperature reading from the  
24       surface of the tank.

25



1 QUESTIONS BY MR. ELLIS:

2 Q. Do you know whether the person  
3 operating the IR gun kept a record of where  
4 he or she was pointing the gun?

5 A. That, I do not know.

6 Q. Did you ever ask for a record  
7 of that?

8 A. I did not.

9 Q. Why not?

10 A. There was only one area where  
11 the tank was exposed. It was not a large  
12 section of the tank, so I didn't think it was  
13 relevant.

14 Q. So you didn't want to have a  
15 record of where the temperature was being  
16 taken on each of these five VCM cars before a  
17 decision was made to vent and burn?

18 MS. PETTY: Objection.

19 THE WITNESS: No. We were  
20 taking temperatures from the only  
21 place accessible.

22 QUESTIONS BY MR. ELLIS:

23 Q. Now, going back to Exhibit 8,  
24 we were looking at OCPX80370. And at 24:00,  
25 there was a spike to just under about

1 138 degrees Fahrenheit.

2 Correct?

3 MS. PETTY: Objection.

4 THE WITNESS: According to the  
5 graph, yes.

6 QUESTIONS BY MR. ELLIS:

7 Q. And that's consistent with your  
8 understanding of what was happening on scene  
9 at the time.

10 Right?

11 MS. PETTY: Objection.

12 MR. FUKUMURA: Objection.

13 THE WITNESS: Yes.

14 QUESTIONS BY MR. ELLIS:

15 Q. Okay. And then it --  
16 temperature of this particular car declined  
17 over time.

18 Right? After that?

19 MR. FUKUMURA: Objection.

20 MS. PETTY: Objection.

21 THE WITNESS: Yes, I believe it  
22 had a -- one or two more spikes before  
23 then.

24 QUESTIONS BY MR. ELLIS:

25 Q. Okay. Now, GATX95098 never had

1 any temperature spikes, did it?

2 MS. PETTY: Objection.

3 THE WITNESS: None of the  
4 temperatures we took from the bolster  
5 ever varied to any great extent.

6 QUESTIONS BY MR. ELLIS:

7 Q. Okay. It is true, is it not,  
8 that GATX95098, the temperatures you took,  
9 never had a temperature spike.

10 Right?

11 A. That's correct.

12 Q. In fact, none of the other four  
13 VCM cars, other than 80370, had anything  
14 other than something in the high to mid-60s,  
15 correct, of the temperatures you took?

16 MS. PETTY: Objection.

17 MR. FUKUMURA: Objection.

18 THE WITNESS: Of the  
19 temperatures taken at the bolster,  
20 those temperatures did not have  
21 spikes.

22 QUESTIONS BY MR. ELLIS:

23 Q. Okay. The temperatures taken  
24 at the bolster, as you say, those were  
25 temperatures that you recorded and kept in

1 your spreadsheet.

2 Right?

3 A. That is correct.

4 Q. You viewed those as important  
5 information to have about those cars, didn't  
6 you?

7 A. Yes.

8 Q. And those were temperatures  
9 that you reported on to people including your  
10 superiors at Norfolk Southern.

11 Correct?

12 A. That's correct.

13 Q. And at no time did you ever  
14 tell anybody that you thought those  
15 temperatures were unreliable.

16 Did you?

17 MS. PETTY: Objection.

18 MR. FUKUMURA: Objection.

19 THE WITNESS: I don't know what  
20 words were expressed. We told them  
21 where the temperatures were coming  
22 from, that they were not direct tank  
23 readings.

24 QUESTIONS BY MR. ELLIS:

25 Q. You didn't tell anybody that

1 the temperatures were unreliable, did you?

2 MS. PETTY: Objection.

3 MR. FUKUMURA: Objection.

4 THE WITNESS: No.

5 QUESTIONS BY MR. ELLIS:

6 Q. What's the normal operating  
7 temperature of a tank car like GATX95098 when  
8 it's loaded with vinyl chloride monomer?

9 A. I would have to check the  
10 properties of vinyl chloride to see what  
11 its -- what its temperature is when it's in  
12 liquid state.

13 Q. Did you check at the time?

14 A. I'm sure we looked on the SDS.

15 Q. My question is -- you say, "I'm  
16 sure we looked at the SDS."

17 Do you know that you looked at  
18 the SDS to determine what the normal  
19 operating temperature of these cars was at  
20 that time?

21 A. I do not know that.

22 Q. Did you ask anybody to  
23 determine what the normal operating  
24 temperature of a car like GATX95098 was when  
25 it's loaded with VCM?

1           A.       I did not ask.

2           Q.       I apologize. I only have two  
3       of these, so I'm going to mark it. I'll give  
4       mine up to whomever wants to see it, but all  
5       I have is two of these.

6                   MS. PETTY: We'll take a copy,  
7       please.

8                   MR. ELLIS: Yeah, let me  
9       just -- we're going to stop talking,  
10      so maybe I'll do this.

11                  MR. FUKUMURA: Do you want to  
12      take a break and make --

13                  MR. ELLIS: Sure. You want to  
14      do that?

15                  MR. SWANSON: I have copies of  
16      this. Is that what it is?

17                  MR. ELLIS: Yeah, it surely is.

18                  VIDEOGRAPHER: Are we going off  
19      the record?

20                  MR. ELLIS: Yeah, sure, go off  
21      the record.

22                  VIDEOGRAPHER: We are now going  
23      off the video record. The time is  
24      currently 3:41 p.m.

25                  (Off the record at 3:41 p.m.)

Robert Wood

1 VIDEOGRAPHER: We are now back  
2 on the video record. The time is  
3 currently 3:51 p.m.

4 (Wood Exhibit 25 marked for  
5 identification.)

6 QUESTIONS BY MR. ELLIS:

7 Q. Mr. Wood, we're back on the  
8 record. You've been handed what's been  
9 marked as Wood Deposition Exhibit 25.

10 This is a record of a Teams  
11 meeting on February 6th at 6:44 in the  
12 morning.

13 Correct?

14 A. Correct.

15 Q. Okay. And attached to it was  
16 the information you had at the time about  
17 tank car measurements for the VCM cars  
18 involved in the derailment.

19 Right?

20 MS. PETTY: Objection.

21 THE WITNESS: Yes.

22 QUESTIONS BY MR. ELLIS:

23 Q. And Helen Hart was sharing this  
24 information about tank car temperatures with  
25 the group in order for these to be discussed

1 during that Teams meeting.

2 Correct?

3 A. Yes.

4 Q. Do you remember that Teams  
5 meeting?

6 A. Me personally, I do not.

7 Q. The temperatures that were  
8 shared with the group that was involved in  
9 that Teams meeting, there's quite a few  
10 people from Norfolk Southern who were invited  
11 and attended that meeting.

12 Right?

13 MR. FUKUMURA: Objection.

14 THE WITNESS: Yes.

15 QUESTIONS BY MR. ELLIS:

16 Q. Okay. And your boss and your  
17 boss' boss both attended that meeting.

18 Correct?

19 MS. PETTY: Objection.

20 THE WITNESS: They're on the  
21 invite, and Helen Hart shared, so...

22 QUESTIONS BY MR. ELLIS:

23 Q. Certainly your boss' boss  
24 attended that meeting.

25 Right?



1 A. Yes.

2 Q. Okay. And your boss' boss was  
3 sharing this temperature information, and  
4 this was on February 6th. This was the  
5 morning that the vent and burn was performed.

6 Correct?

7 A. It was performed on the  
8 afternoon of the 6th, yes.

9 Q. Okay. This was the morning,  
10 and it was performed later that afternoon.

11 Correct?

12 A. Yes.

13 Q. Okay. And the most recent  
14 reading for GATX95098 that you had at the  
15 time of that meeting was 65 degrees.

16 Correct?

17 A. That's correct.

18 Q. And the high -- the most recent  
19 reading for OCPX80370 was 128 degrees, and it  
20 was down 6 degrees from the earlier  
21 measurement.

22 Right?

23 MS. PETTY: Objection.

24 THE WITNESS: Yes.

25

1 QUESTIONS BY MR. ELLIS:

2 Q. Did anybody on that call ask  
3 whether, in light of this information, you  
4 ought to hold off on the vent and burn?

5 A. I do not recall. I don't  
6 even -- I'm not sure I was even on the call.  
7 I can't say for sure whether I was or not. I  
8 don't recall it.

9 Q. Did Helen Hart ever ask you,  
10 geez, in light of this information, maybe we  
11 should hold off on the vent and burn?

12 MR. FUKUMURA: Objection.

13 MS. PETTY: Objection.

14 THE WITNESS: I do not recall  
15 that conversation.

16 QUESTIONS BY MR. ELLIS:

17 Q. Did you ever ask yourself or  
18 ask others, in light of the low temperatures  
19 on four of the five vinyl chloride cars and  
20 the decreasing temperature on the fifth,  
21 maybe we ought to hold off on this vent and  
22 burn?

23 MS. PETTY: Objection.

24 MR. FUKUMURA: Objection.

25 THE WITNESS: I did not have

1 any such discussion.

2 QUESTIONS BY MR. ELLIS:

3 Q. Did you ever ask any of the  
4 folks at SPS or your other contractors  
5 whether you ought to hold off on the vent and  
6 burn in light of the information you were  
7 getting at this time?

8 MR. FUKUMURA: Objection.

9 MS. PETTY: Objection.

10 THE WITNESS: I don't recall  
11 specific conversations we had. One of  
12 the conversations we did have with our  
13 specialized contractors who were there  
14 felt -- they believed the material was  
15 polymerizing, and we were  
16 absolutely -- feared a catastrophic  
17 failure of one car. And if we had  
18 one, we figured the problem existed in  
19 the others because they were all in  
20 the same pool fire.

21 QUESTIONS BY MR. ELLIS:

22 Q. Okay. But that wasn't my  
23 question.

24 My question was, did you ever  
25 have a conversation with any of the folks,

1 the contractors you hired and were paying to  
2 give you advice, did you ever have a  
3 conversation with them, after you got this  
4 information and this Teams meeting occurred,  
5 whether you should hold off and not perform  
6 the vent and burn?

7 MS. PETTY: Objection.

8 MR. FUKUMURA: Objection.

9 QUESTIONS BY MR. ELLIS:

10 Q. Did you ever have that  
11 conversation?

12 A. I don't recall that  
13 conversation, no.

14 Q. At any time after you got the  
15 information about the low temperatures on the  
16 four of the five VCM cars and the decreasing  
17 temperature on the fifth, did you ever ask  
18 any of your contractors, geez, maybe we ought  
19 to hold off and wait a while and not do this  
20 vent and burn?

21 MS. PETTY: Objection.

22 MR. FUKUMURA: Objection.

23 Asked and answered.

24 THE WITNESS: I did not have  
25 that conversation, no.

1 QUESTIONS BY MR. ELLIS:

2 Q. You never had any conversation  
3 with GATX about whether you should have a  
4 vent and burn, did you?

5 A. I did not.

6 Q. You didn't ask GATX whether you  
7 could place charges on GATX95098 and blow two  
8 holes in it, did you?

9 A. I did not.

10 Q. To your knowledge, did anybody  
11 at Norfolk Southern have a conversation with  
12 GATX about whether it could blow two holes in  
13 GATX95098?

14 A. No one to my knowledge.

15 Q. What about afterwards? After  
16 you executed the vent and burn, did you think  
17 to call GATX and tell it that you'd just  
18 executed a vent and burn on GATX95098?

19 MR. FUKUMURA: Objection.

20 MS. PETTY: Objection.

21 THE WITNESS: I did not  
22 personally have conversations with  
23 anybody with GATX. They would have  
24 been notified through the damaged car  
25 system that railroads use, that our

1           mechanical folks have to use, but I  
2           don't know when that occurred or who  
3           did it.

4       QUESTIONS BY MR. ELLIS:

5           Q.       Okay. That's an automated  
6           system that tells someone if their -- tells a  
7           car owner if its car has been damaged and  
8           provides some sort of settlement procedure  
9           for the value of the car.

10                   Right?

11                   MS. PETTY: Objection.

12                   MR. FUKUMURA: Objection.

13                   THE WITNESS: That's correct.

14       QUESTIONS BY MR. ELLIS:

15           Q.       Okay. And that's a -- that's a  
16           process you're familiar with, given your  
17           experience at Norfolk Southern.

18                   Right?

19                   MS. PETTY: Objection.

20                   THE WITNESS: I know about the  
21           process. I have no interaction with  
22           that system.

23       QUESTIONS BY MR. ELLIS:

24           Q.       Okay. And other than that  
25           process, as far as you know, no one at

1 Norfolk Southern ever called GATX to let GATX  
2 know that it had executed a vent and burn on  
3 GATX95098.

4 Right?

5 A. Not to my knowledge.

6 Q. Did you ever think that maybe  
7 you ought to call GATX and let it know that  
8 you were going to execute a vent and burn on  
9 the VCM car GATX95098 before you did it?

10 A. I did not.

11 (Wood Exhibit 26 marked for  
12 identification.)

13 QUESTIONS BY MR. ELLIS:

14 Q. Okay. Mr. Wood, you've been  
15 handed what's been marked as Wood Deposition  
16 Exhibit Number 26.

17 A. Yes.

18 Q. The bottom e-mail of these two  
19 e-mails on this exhibit is an e-mail from you  
20 to several people, the first one Christopher  
21 Burch at Norfolk Southern.

22 Is that correct?

23 A. Yes.

24 Q. This is on March 20, 2023, so a  
25 couple of weeks after the vent and burn

1 occurred.

2 Correct?

3 A. Yes. In excess of a month.

4 Q. Okay. And what was this about?

5 What was this e-mail about?

6 A. Norfolk Southern agreed to  
7 provide some special training classes in the  
8 state of Ohio based out of our Bellevue yard.

9 Q. Okay. And what kind of special  
10 training classes were those?

11 A. They were unscheduled classes  
12 for a normal safety training tour.

13 Q. Okay. So these were safety  
14 training that you were providing to folks in  
15 the state of Ohio that were part of your  
16 normal training, but you were given extra  
17 training.

18 Is that it?

19 MS. PETTY: Objection.

20 THE WITNESS: We were providing  
21 additional training in the state of  
22 Ohio. I don't know at whose request.

23 QUESTIONS BY MR. ELLIS:

24 Q. Okay. Who was the training to?

25 A. First responders.



1           Q.       So these were first responders  
2       throughout the state of Ohio that you were  
3       giving training to. You'd normally give that  
4       training. This was an additional unscheduled  
5       training.

6                   Is that right?

7           MR. FUKUMURA:   Objection.

8           THE WITNESS:   Yes. We have an  
9       NS OAR program that we conduct  
10      training at the firehouse level, and  
11      then we have the NS safety training.  
12      These were additional stops for the NS  
13      safety training.

14   QUESTIONS BY MR. ELLIS:

15          Q.       Okay. And it was an eight-hour  
16      class, it looks like, or at least the one in  
17      Bellevue, Ohio, was an eight-hour class.

18                   Is that right?

19          A.       Yes.

20          Q.       And was this you telling  
21      your -- the folks who were going to do the  
22      training what it ought to cover?

23          A.       Yes, what should be emphasized.

24          Q.       Okay. And, in fact, you say  
25      the eight-hour classes in Bellevue should

1 cover the following topics.

2 Correct?

3 A. Yes.

4 Q. And then you go on to list  
5 them - railroad 101, wheel reports and  
6 AskRail, et cetera?

7 A. Yes.

8 Q. And you added something in red  
9 there. "Any discussion regarding East  
10 Palestine are to be nonspecific and focus on  
11 the same topics as the simulations for any  
12 classes taught."

13 Do you see that?

14 A. Yes.

15 Q. You added that there?

16 A. Yes.

17 Q. And then Paul Williams sends  
18 that to Scott Deutsch and says, "Wow, what  
19 guidance."

20 Right?

21 A. Yes.

22 Q. Okay. And why did you tell  
23 them to keep the East Palestine discussion to  
24 non-specific training?

25 A. These were instructions we

1 received from the NTSB while an ongoing  
2 investigation was going on.

3 Q. Okay. So the NTSB told you not  
4 to talk about the East Palestine in any  
5 specifics; is that why you put that there?

6 A. Yes. Anything related to  
7 cause, anything that we were discussing with  
8 NTSB, we were not supposed to discuss outside  
9 of that.

10 Q. Okay. Would you look at Wood  
11 Exhibit Number 13, please?

12 A. Number 13?

13 Q. Yeah.

14 It's one of those double  
15 exhibits. It's got an e-mail, and it's got  
16 an attachment analysis report.

17 A. Yes.

18 Q. Do you have that there?

19 A. Yes.

20 Q. Okay. And this had to do with  
21 some testing that was done after the  
22 derailment to look at tank residue test  
23 results and evidence -- or in this case, lack  
24 of evidence of polymerization.

25 Correct?

1 MS. PETTY: Objection.

2 THE WITNESS: Yes.

3 QUESTIONS BY MR. ELLIS:

4 Q. Okay. Has NS done any testing  
5 other than this to look for evidence of  
6 polymerization?

7 MR. FUKUMURA: Objection.

8 MS. PETTY: Objection.

9 THE WITNESS: Not to my  
10 knowledge.

11 QUESTIONS BY MR. ELLIS:

12 Q. If you could look at Wood  
13 Exhibit Number 3, that's the HAZMAT factual  
14 report.

15 A. Okay.

16 Q. Oxy's counsel asked you some  
17 questions that specifically were around  
18 indications that VCM had released from the  
19 valve other than the PRD.

20 Remember those questions?

21 A. Yes.

22 Q. And we went off the record for  
23 a while, and you were paging through that  
24 looking for some evidence.

25 And I think you found something

1 to do with a -- after the vent and burn  
2 condition of one of the particular tank cars.

3 Right?

4 MS. PETTY: Objection.

5 MR. FUKUMURA: Objection.

6 THE WITNESS: The statements  
7 were coming from when the valves were  
8 in -- were torn down during the NTSB  
9 inspection.

10 QUESTIONS BY MR. ELLIS:

11 Q. The statements you were looking  
12 at were torn-down valves that were examined  
13 after the vent and burn.

14 Right?

15 A. Correct.

16 Q. Okay. And I think you were in  
17 the middle of reviewing that document when we  
18 came back on the record, and you hadn't been  
19 all the way through it.

20 Right?

21 A. Correct.

22 (Wood Exhibit 27 marked for  
23 identification.)

24 QUESTIONS BY MR. ELLIS:

25 Q. Okay. I've marked here what's

1 Wood Exhibit Number 27. I'd like you to  
2 attach to that anything you find in that that  
3 is further evidence of VCM being released  
4 from the valve other than the PRD. You can  
5 do it anytime. You don't have to do it now.  
6 That's the exhibit.

7 MR. ELLIS: And with that, I  
8 don't have any further questions for  
9 you.

10 MR. FUKUMURA: You mean -- just  
11 so we're clear, after the deposition?

12 MR. ELLIS: Sure.

13 MR. FUKUMURA: Okay.

14 THE WITNESS: Okay.

15 MR. ELLIS: I don't have  
16 anything further.

17 VIDEOGRAPHER: Need to go off  
18 the record? Need to go off the record  
19 for a moment?

20 MR. SWANSON: Yeah. Can we so  
21 I can switch?

22 VIDEOGRAPHER: We are now going  
23 off the video record. The time is  
24 currently 4:06 p.m.

25 (Off the record at 4:06 p.m.)

1                   VIDEOGRAPHER: We are now back  
2                   on the video record. The time is  
3                   currently 4:07 p.m.

4                   DIRECT EXAMINATION

5                   QUESTIONS BY MR. SWANSON:

6                   Q.       Mr. Wood, good afternoon. My  
7                   name is Brian Swanson, and I represent  
8                   Trinity.

9                   Most of my questions today are  
10                  going to relate to car TILX402025.

11                  You recognize that VCM car,  
12                  correct?

13                  A.       Yes, I believe that's it.

14                  Q.       That car was a car that was  
15                  owned by Trinity and leased to Oxy Vinyls.

16                  Are you familiar with that?

17                  A.       Yes.

18                  Q.       Okay. And that was one of the  
19                  VCM cars that was involved in the derailment.

20                  Correct?

21                  A.       Yes.

22                  Q.       Now, throughout your testimony  
23                  today, there was a lot of reference to the  
24                  VCM cars and what the VCM cars did and how  
25                  the VCM cars acted.

1                   You know that generally, right?

2           A.       Yes.

3           Q.       Now, you agree with me, I  
4       think, that the five VCM cars that were  
5       involved in the derailment were situated  
6       differently and they reacted differently to  
7       the conditions that they faced.

8                   True?

9           MS. PETTY:  Objection.

10          THE WITNESS:  I'm not exactly  
11       sure what you're asking me.

12       QUESTIONS BY MR. SWANSON:

13          Q.       Well, I'm saying it's not fair  
14       to equate all the VCM cars as acting the same  
15       throughout the derailment, because they  
16       didn't.

17                   Right?

18          MS. PETTY:  Objection.

19          THE WITNESS:  They were all in  
20       the derailment, and at some point in  
21       time all of their PRDs activated.

22       QUESTIONS BY MR. SWANSON:

23          Q.       Well, I'm going to -- I'm going  
24       to ask you about that.

25                   So going back to -- I call it



1       2025. Can I refer to it as 2025 as  
2       shorthand? Will you know what I'm talking  
3       about?

4             A.       The TILX car?

5             Q.       Correct.

6             A.       Yes, that's fine.

7             Q.       Okay. And I've also seen it  
8       sometimes referred to as Car 26.

9                     Are you familiar with Car 26  
10       from the derailment?

11            A.       No, not right offhand, but if  
12       you say that's the car, okay.

13            Q.       Well, we may see references,  
14       but if you have any questions, you just let  
15       know.

16                     Okay?

17            A.       Good.

18            Q.       Fair enough.

19                     TILX402025 didn't breach upon  
20       derailment.

21                     Did it?

22            A.       It did not.

23            Q.       Didn't breach until Norfolk  
24       Southern detonated it in the vent and burn on  
25       February 6th.

1 Right?

2 A. Correct.

3 Q. And you know, I think, that  
4 Trinity's 402025 was not exposed to the same  
5 pool fires as the other VCM cars were.

6 Did you know that, sir?

7 MS. PETTY: Objection.

8 THE WITNESS: All of the vinyl  
9 chloride cars were exposed to fire.

10 QUESTIONS BY MR. SWANSON:

11 Q. All right. Let's, if you can,  
12 please, pull out Exhibit 3.

13 MR. FUKUMURA: He'll give the  
14 page. It's a big one.

15 QUESTIONS BY MR. SWANSON:

16 Q. It's a big one, and I think  
17 it's probably the only one I'm going to use  
18 with this. You can keep it in front of you.

19 Okay?

20 What I'm going to do, since I  
21 have a different copy, is I'm going to refer  
22 to the pages at the bottom.

23 Do you see there where it says  
24 page blank of 158?

25 A. Yes.

1 Q. Okay. Can you please, sir,  
2 turn to page 80 of 158?

3 A. Yes.

4 Q. About three-quarters of the way  
5 down, there's a paragraph that begins "At  
6 that point."

7 Do you see that?

8 Do you see that paragraph, sir?

9 A. Yes. Yes.

10 Q. Okay. And this is from the  
11 factual report that -- that you were on  
12 the team that put this together.

13 Right?

14 MS. PETTY: Objection.

15 MR. FUKUMURA: Objection.

16 QUESTIONS BY MR. SWANSON:

17 Q. Right, sir?

18 A. Yes.

19 Q. All right. The second sentence  
20 of that paragraph reads, "Crews were able to  
21 access one of the angle valves on the  
22 eastern-most VCM car, 28, TILX402025, to test  
23 the tank pressure."

24 Did I read that correctly, sir?

25 A. Yes.

1           Q.       You understand that's the  
2       Trinity car that I referred to at the outset  
3       of my questioning?

4           A.       Yes.

5           Q.       "The SPSI president recalled it  
6       was not remarkable."

7                   Did I read that correctly, sir?

8           A.       Yes.

9           Q.       Do you recall when you were on  
10       the ground in East Palestine between  
11       February 3rd and February 6th that the folks  
12       at SPSI were able to attach a pressure gauge  
13       to Trinity's car?

14          A.       Yes.

15          Q.       Do you recall that the readings  
16       they got from that pressure gauge were not  
17       remarkable?

18                   MS. PETTY:  Objection.

19                   THE WITNESS:  Yes.  Yes.

20       QUESTIONS BY MR. SWANSON:

21          Q.       The next sentence reads, "This  
22       tank car had not been subjected to pool fire  
23       conditions."

24                   Did I read that correctly?

25          A.       You did read that correctly.

1 Q. Do you have any reason to  
2 question the accuracy of that statement that  
3 went in the report?

4 A. The car received fire damage.

5 Q. My question is, do you have any  
6 reason to question the accuracy of the  
7 statement that Trinity's 402025 had not been  
8 subjected to pool fire conditions?

9 MS. PETTY: Objection.

10 THE WITNESS: According to Drew  
11 McCarty, it was not.

12 QUESTIONS BY MR. SWANSON:

13 Q. And Drew McCarty was on the  
14 scene.

15 Right?

16 A. Correct.

17 Q. He was -- he -- as between you  
18 and Mr. McCarty, Mr. McCarty spent a lot more  
19 time at the derailment site with the cars  
20 than you did.

21 Didn't he, sir?

22 MS. PETTY: Objection.

23 THE WITNESS: That's correct.

24 QUESTIONS BY MR. SWANSON:

25 Q. And you're not saying that Drew

1       McCarty was being untruthful when he reported  
2       that 2025 hadn't been subjected to pool  
3       fires.

4                       Are you?

5               A.       I have no reason to question  
6       what he said here.

7               Q.       And what he said here is that  
8       2025 had not been subjected to pool fire  
9       conditions.

10                      Correct, sir?

11              A.       That's what he said.

12              Q.       And you've testified that you  
13       knew about the pressure gauge that you guys  
14       were able to put on to 2025.

15                      Right?

16              A.       Correct.

17              Q.       If you can flip, please, to  
18       page 82 of 158.

19                      Very last word on that page is  
20       "crews."

21                      Do you see that?

22              A.       Yes.

23              Q.       It reads, "Crews attached a  
24       pressure gauge to TILX402025 and found a tank  
25       pressure of 60 PSIG."

1 Did I read that correctly?

2 A. Yes.

3 Q. You understand, I assume, that  
4 60 PSIG is a normal reading for a stabilized  
5 vinyl chloride monomer in a tank car.

6 Right, sir?

7 MS. PETTY: Objection.

8 THE WITNESS: I'm sorry, repeat  
9 the question.

10 QUESTIONS BY MR. SWANSON:

11 Q. You understand that 60 PSIG is  
12 a normal reading for a stabilized vinyl  
13 chloride monomer in a tank car.

14 Don't you, sir?

15 MS. PETTY: Objection.

16 THE WITNESS: I do not.

17 QUESTIONS BY MR. SWANSON:

18 Q. You don't know one way or the  
19 other?

20 A. No.

21 Q. But you do know that  
22 Mr. McCarty found that 65 -- or 60 PSIG to be  
23 unremarkable, right? That's what he  
24 reported?

25 A. That's what he reported.

1 Q. And we've also seen that  
2 pressure -- or excuse me, temperature  
3 readings were taken on 2025.

4 Right?

5 MS. PETTY: Objection.

6 THE WITNESS: Yes, a pressure  
7 reading was taken.

8 QUESTIONS BY MR. SWANSON:

9 Q. Temperature readings were taken  
10 on 2025.

11 Correct?

12 MS. PETTY: Objection.

13 THE WITNESS: From the  
14 bolsters, yes.

15 QUESTIONS BY MR. SWANSON:

16 Q. Yeah. And it seems you don't  
17 really want to own all those temperature  
18 readings you were taking and sending on to  
19 your bosses.

20 Right? You want to say they're  
21 unreliable in litigation now?

22 MS. PETTY: Objection.

23 MR. FUKUMURA: Objection.

24 THE WITNESS: No. I'm saying  
25 that's the only temperatures we could



1 get.

2 QUESTIONS BY MR. SWANSON:

3 Q. Well, if you had a pressure  
4 reading from Trinity's car 2025, you  
5 understand that pressure readings correspond  
6 to temperatures.

7 Right?

8 A. Yes.

9 Q. So if you wanted to figure out  
10 if your temperature readings on the cars were  
11 accurate, one thing you could have done was  
12 use the pressure to determine that.

13 Right?

14 A. Yes.

15 Q. Is that something you did?

16 A. The valves were inaccessible  
17 and unoperable on the other cars. Wouldn't  
18 allow for pressure gauges.

19 Q. Well, it did allow for it on  
20 the Trinity car, didn't it, sir?

21 A. It did.

22 Q. And it showed you that the  
23 temperatures you were getting on the Trinity  
24 car were accurate, didn't it?

25 MS. PETTY: Objection.

1 THE WITNESS: I have no reason  
2 to question the temperatures we got  
3 off the bolsters of the car.

4 QUESTIONS BY MR. SWANSON:

5 Q. Okay. So I want to focus on  
6 the Trinity car.

7 Okay, sir?

8 A. Yeah.

9 Q. You knew what the temperature  
10 readings were.

11 Right? Yes?

12 A. Yes.

13 MS. PETTY: Objection.

14 QUESTIONS BY MR. SWANSON:

15 Q. You knew what the pressure  
16 readings were on the Trinity car.

17 Right?

18 A. Yes.

19 Q. The pressure and temperature  
20 readings from Trinity's 2025 were in no way  
21 indicative of polymerization occurring in  
22 that car, were they, sir?

23 MS. PETTY: Objection.

24 THE WITNESS: I have no way to  
25 indicate that that was the case.

1 QUESTIONS BY MR. SWANSON:

2 Q. You have no way to indicate  
3 that polymerization was occurring in the  
4 Trinity car.

5 Right, sir?

6 MS. PETTY: Objection.

7 THE WITNESS: Correct.

8 QUESTIONS BY MR. SWANSON:

9 Q. The pressure and temperature  
10 readings that you received from the TILX 2025  
11 car were in no way indicative of a potential  
12 BLEVE.

13 Were they, sir?

14 MS. PETTY: Objection.

15 THE WITNESS: No.

16 QUESTIONS BY MR. SWANSON:

17 Q. They were not, right?

18 MS. PETTY: Objection.

19 THE WITNESS: That's correct.

20 QUESTIONS BY MR. SWANSON:

21 Q. And you know, based on the  
22 pressure and temperature readings of  
23 Trinity's 2025, that Norfolk Southern and its  
24 contractors believed the car was a candidate  
25 for re-railing.

1 Right?

2 MS. PETTY: Objection.

3 THE WITNESS: That was part of  
4 the decision tree, and, yes,  
5 originally we did believe that.

6 QUESTIONS BY MR. SWANSON:

7 Q. Right.

8 What you wanted to do with the  
9 Trinity car, 2025, was put it back on the  
10 tracks and send it on its way.

11 Right, sir?

12 MS. PETTY: Objection.

13 THE WITNESS: That's correct.

14 QUESTIONS BY MR. SWANSON:

15 Q. And I'm going to give Norfolk  
16 Southern the benefit of the doubt that you  
17 wouldn't have contemplated doing that if you  
18 thought there was any risk of polymerization.

19 Right, sir?

20 MS. PETTY: Objection.

21 THE WITNESS: That's correct.

22 QUESTIONS BY MR. SWANSON:

23 Q. Norfolk Southern wouldn't have  
24 considered re-railing Trinity's 2025 if it  
25 believed there was any concern about a

1 potential BLEVE.

2 Right?

3 A. That's correct.

4 Q. What you know, based on the  
5 pressure and temperature readings of  
6 Trinity's 2025, was that that car was stable.

7 Wasn't it, sir?

8 MS. PETTY: Objection.

9 THE WITNESS: At the time it  
10 was observed, that's correct.

11 QUESTIONS BY MR. SWANSON:

12 Q. That car was stable right up to  
13 the moment that you detonated it in the vent  
14 and burn.

15 Wasn't it, sir?

16 MS. PETTY: Objection.

17 THE WITNESS: That's correct.

18 QUESTIONS BY MR. SWANSON:

19 Q. What you know, based on the  
20 temperature and pressure readings that you  
21 took from Trinity's 2025, was that that car  
22 performed exactly as it was built to perform  
23 in a derailment.

24 Didn't it, sir?

25 MS. PETTY: Objection.

1 MR. FUKUMURA: Objection.

2 THE WITNESS: That's correct.

3 QUESTIONS BY MR. SWANSON:

4 Q. And what you know from those  
5 pressure and temperature readings  
6 specifically is that the pressure release  
7 device on 2025 acted exactly as it should in  
8 a derailment.

9 Correct?

10 MS. PETTY: Objection.

11 MR. FUKUMURA: Objection.

12 THE WITNESS: That's correct.

13 QUESTIONS BY MR. SWANSON:

14 Q. Now, I've seen evidence in the  
15 factual report we've been talking about that  
16 the reason Norfolk Southern didn't re-rail  
17 Trinity's 2025 car was because of a damaged  
18 bolster.

19 Is that your understanding?

20 MS. PETTY: Objection.

21 THE WITNESS: No.

22 QUESTIONS BY MR. SWANSON:

23 Q. Okay. Let's turn, if we could,  
24 to page 85 of 158.

25 A. Yes.

1 Q. Are you there, sir?

2 A. Yeah.

3 Q. Midway through that page, there  
4 is a paragraph that begins "Following that."

5 Do you see that?

6 A. Yes.

7 Q. It reads, "Following that, SRS  
8 crews" --

9 That's Mr. Day's organization,  
10 right?

11 A. Yes.

12 Q. -- "SRS crews assisted with  
13 moving burning hopper cars away from the east  
14 end so the crews could attempt to re-rail VCM  
15 car TILX402025 because the car was determined  
16 to be stable with a pressure of 60 PSIG."

17 Did I read that correctly?

18 A. Yes.

19 Q. That's a true statement based  
20 on what you just testified about.

21 Right, sir?

22 A. Yes.

23 Q. "Re-railing this VCM car was  
24 not possible because of damage to the bolster  
25 assemblies on both sides of the car."

1 Did I read that correctly?

2 A. Yes.

3 Q. Is it true that the reason  
4 Norfolk Southern did not re-rail 2025 was  
5 because its bolster was allegedly damaged?

6 A. The bolster damage may have  
7 prevented re-railing. It doesn't say we  
8 couldn't move it, but the wrecking  
9 contractors refused to touch these cars.

10 Q. Well, let me take this in  
11 pieces. Okay? I want you to first answer my  
12 question.

13 The reason Norfolk Southern did  
14 not re-rail 2025 is because of an allegedly  
15 damaged bolster.

16 Correct?

17 MS. PETTY: Objection.

18 THE WITNESS: That's the  
19 statement here.

20 QUESTIONS BY MR. SWANSON:

21 Q. And you have no reason to  
22 question that statement.

23 Correct?

24 MS. PETTY: Objection.

25 THE WITNESS: I do not.



1       QUESTIONS BY MR. SWANSON:

2               Q.       Now, you said -- you said that  
3       the reason -- well, let me take a step back.

4                       One thing that you can do as a  
5       railroad company in a derailment where there  
6       are derailed cars is you can move them out of  
7       harm's way.

8                       Right?

9               A.       That's correct.

10              Q.       There might be fires. You can  
11       move cars away from the fires so that they  
12       don't heat up their cars.

13                      Right?

14              A.       Correct.

15              Q.       And you had wrecking crews on  
16       site here that were capable of moving train  
17       cars, generally.

18                      Right?

19              A.       Yes.

20              Q.       And they did, in fact, move  
21       different cars out of harm's way.

22                      Correct?

23              A.       Yes.

24              Q.       And what was the name of this  
25       wrecking company that you're referring to?

1           A.       There was more than one  
2       wrecking company, and I believe R.J. Corman  
3       was there. There may have been Hulcher and  
4       Cranemasters. I honestly don't know all the  
5       wrecking contractors that are there.

6           Q.       And then what you volunteered  
7       in response to my question is that your  
8       wrecking companies wouldn't move any of the  
9       VCM cars.

10                   Is that your testimony?

11          A.       That was the message relayed to  
12       me.

13          Q.       So you don't know -- nothing  
14       was told to you directly; you're relying on  
15       what other people told you.

16                   Is that fair?

17          A.       Yes. The wrecking contractors  
18       work for our mechanical department, so any  
19       communication they would have had would have  
20       been with the mechanical.

21          Q.       And who's with -- who's the  
22       mechanical department?

23          A.       I believe Josiah Saxe was out  
24       there then, but I don't know that as fact.

25          Q.       All right. No one told you

1 directly why these wrecking companies  
2 allegedly would not move any of the VCM cars.

3 Fair?

4 MR. FUKUMURA: Objection.

5 MS. PETTY: Objection.

6 THE WITNESS: Yes, I believe  
7 Drew McCarty was there when the  
8 conversation happened.

9 QUESTIONS BY MR. SWANSON:

10 Q. And what reason were you told  
11 for the wrecking companies refusing to move  
12 any of the VCM cars?

13 A. Because of the fears that had  
14 been expressed that we thought the cars were  
15 polymerizing.

16 Q. Well, wait a second, sir.  
17 You just told me that Norfolk  
18 Southern was ready to re-rail 2025 because it  
19 was stable.

20 Right?

21 A. Yes.

22 Q. So did anybody tell your  
23 wrecking crews that regardless of what's  
24 going on in these other four VCM cars, we've  
25 got a stable car here that we'd re-rail if we

1 can, but we can't, so let's move it rather  
2 than blowing it up?

3 MS. PETTY: Objection.

4 THE WITNESS: They didn't want  
5 to move it because of its proximity to  
6 three other VCM cars that were  
7 directly near it.

8 Where they would have to get to  
9 move that car, they had to get  
10 directly adjacent to those cars.

11 QUESTIONS BY MR. SWANSON:

12 Q. The pressure gauge that went on  
13 2025 that showed a pressure reading of  
14 60 PSIG, that went on on the 4th.

15 You know that, right?

16 A. Yes.

17 Q. And then there were two days  
18 between the 4th and the time that Norfolk  
19 Southern blew up that car that anybody from  
20 your wrecking crew could have come in and  
21 moved that car.

22 Right, sir?

23 MS. PETTY: Objection.

24 THE WITNESS: No wrecking crews  
25 entered the site until the fires were

1           basically out or down to smoldering.

2       QUESTIONS BY MR. SWANSON:

3           Q.       Right.

4                   And what happened is we on  
5       page 85, is that the wrecking crews were in  
6       close proximity to 2025 because they were  
7       moving other cars so you could re-rail it.

8                   Right, sir?

9           A.       Yes. They were moving the cars  
10       directly east.

11          Q.       Right.

12                   And it didn't occur to anybody  
13       while they were there to hook up an  
14       attachment to 2025 and move it out of the way  
15       instead of blowing up the car and releasing  
16       all that VCM into the environment?

17                   MS. PETTY: Objection.

18                   MR. FUKUMURA: Objection.

19                   THE WITNESS: Again, as it was  
20       stated to me, the wrecking contractors  
21       refused to move any of those cars  
22       because of its proximity to the other  
23       cars.

24       QUESTIONS BY MR. SWANSON:

25          Q.       Did the wrecking cars {sic}

1 know that Norfolk Southern had determined  
2 that 2025 was stable?

3 MS. PETTY: Objection.

4 THE WITNESS: I do not know.

5 QUESTIONS BY MR. SWANSON:

6 Q. You're not sure if anybody told  
7 the wrecking crews that they had a stable VCM  
8 car that could be moved?

9 MS. PETTY: Objection.

10 THE WITNESS: I don't know.

11 QUESTIONS BY MR. SWANSON:

12 Q. Who would know the answer to  
13 that?

14 MS. PETTY: Objection.

15 THE WITNESS: The folks who  
16 were on the ground at the cars.

17 QUESTIONS BY MR. SWANSON:

18 Q. And you don't know the names of  
19 any of those folks?

20 A. It would have been personnel  
21 from SRS or SPSI.

22 I don't know what NS personnel  
23 would have been on the ground down there at  
24 that -- at that particular time and whoever  
25 from mechanical was representing NS at that

1 time.

2 Q. Following the derailment, so  
3 between the 3rd and the 6th when the vent and  
4 burn occurred, did you have any  
5 communications with anybody at Trinity?

6 A. I did not.

7 Q. Did you ask for any information  
8 from anybody at Trinity?

9 A. I did not.

10 Q. Did you ask for any drawings of  
11 the car from anyone at Trinity?

12 A. I did not.

13 Q. Did you ask for the certificate  
14 of construction for 2025 from anyone?

15 A. I did not.

16 Q. Did you look at it, the  
17 certificate of construction, whether you  
18 asked for it?

19 A. I did not.

20 Q. Did you look at any specs for  
21 the PRDs for 2025?

22 A. Nothing other than the rating  
23 of the PRD.

24 Q. This person on the ground for  
25 Norfolk Southern who was helping to manage

1 the derailment default anything Trinity did  
2 or did not do in assisting with the  
3 derailment response?

4 MS. PETTY: Objection.

5 THE WITNESS: I'm sorry, I  
6 didn't understand.

7 QUESTIONS BY MR. SWANSON:

8 Q. As the person on the ground --  
9 as a person on the ground for Norfolk  
10 Southern who was helping -- I can't read that  
11 now. Let me try it again.

12 All right. As a Norfolk  
13 Southern employee who was on the ground  
14 helping to manage the response to the  
15 derailment, do you fault anything that  
16 Trinity did or didn't do in assisting with  
17 the derailment response?

18 A. No.

19 Q. Was Trinity consulted in any  
20 way before Norfolk Southern made the decision  
21 to vent and burn 2025?

22 MS. PETTY: Objection.

23 THE WITNESS: Not to my  
24 knowledge.

25



1 QUESTIONS BY MR. SWANSON:

2 Q. I want to ask you about your  
3 contractors at SPSI and SRS.

4 It sounds like from your  
5 testimony that you didn't consider yourself  
6 to be an expert in stabilized VCM.

7 Is that fair?

8 A. That's correct.

9 Q. Or in venting and burning  
10 operations.

11 Right?

12 A. That's correct.

13 Q. And I take it from your  
14 testimony and other information I've seen  
15 that you relied on Mr. Day and Mr. McCarty to  
16 advise on how to handle these VCM tank cars.

17 Is that fair?

18 A. That's correct. They are  
19 CHLOREP contractors.

20 Q. Okay. Did you rely on one more  
21 than the other?

22 A. No, I don't think so.

23 Q. You believed, or were led to  
24 believe, that Mr. Day had experiences in both  
25 VCM and venting and burning.

1 Right?

2 A. Correct.

3 Q. And so you relied -- I'll start  
4 with Mr. Day.

5 You relied on Mr. Day and what  
6 he told you as it related to the decision to  
7 vent and burn the cars.

8 Right?

9 MS. PETTY: Objection.

10 THE WITNESS: Yes.

11 QUESTIONS BY MR. SWANSON:

12 Q. Now, in electing to rely on  
13 Mr. Day, can you tell us what specific  
14 experience he had working with stabilized  
15 vinyl chloride monomers in a derailment?

16 A. I don't know all of Chip's  
17 experience over the years, his decades of  
18 experience, but he is the leader of one of  
19 their CHLOREP teams. There are like three  
20 CHLOREP contractors in the whole United  
21 States. Two of them were on our site. SPSI  
22 is a CHLOREP contractor. SRS is a CHLOREP  
23 contractor.

24 The Chlorine Institute has  
25 CHLOREP contractors for all of their mission

1 chemicals. Vinyl chloride is a mission  
2 chemical of The Chlorine Institute.

3 Q. Okay. I need you to focus on  
4 my questions, okay, because I have limited  
5 time.

6 Can you tell us what specific  
7 experience Mr. Day had working with  
8 stabilized vinyl chloride monomers in a  
9 derailment?

10 MS. PETTY: Objection.

11 QUESTIONS BY MR. SWANSON:

12 Q. Can you tell us or not?

13 A. I cannot.

14 Q. Can you tell us what experience  
15 Mr. Day had venting and burning vinyl  
16 chloride monomer?

17 A. I cannot.

18 Q. Can you tell us what experience  
19 Mr. Day had working with VCM initiators?

20 A. I cannot.

21 Q. Can you tell us what specific  
22 experience Mr. Day had working with the  
23 potential polymerization of vinyl chloride  
24 monomers in a derailment?

25 A. I cannot.

1           Q.       Can you tell us what experience  
2       Mr. Day had specifically hot-tapping VCM  
3       cars?

4           A.       I cannot.

5           Q.       Can you tell us what experience  
6       Mr. Day had specifically offloading VCM  
7       through a tank car's valves in a derailment?

8           A.       I cannot.

9           Q.       Can you tell us what experience  
10      Mr. Day had, if any, evaluating the status of  
11      vinyl chloride monomer inhibitors?

12                   MS. PETTY:  Objection.

13                   THE WITNESS:  Yeah, I'm sorry,  
14      I don't think I quite understood.

15      QUESTIONS BY MR. SWANSON:

16           Q.       Can you tell us what experience  
17      Mr. Day had, if any, evaluating the status of  
18      VCM inhibitors?

19                   MS. PETTY:  Objection.

20                   THE WITNESS:  Oh, I cannot.

21      QUESTIONS BY MR. SWANSON:

22           Q.       Now, you knew that there were  
23      experts in Dallas, Texas, at Oxy who were  
24      advising your contractors on VCM and  
25      polymerization.

1 Right, sir?

2 MS. PETTY: Objection.

3 THE WITNESS: Yes.

4 QUESTIONS BY MR. SWANSON:

5 Q. And you didn't have any  
6 person -- you didn't have any discussions  
7 yourself with anybody from Oxy in Dallas  
8 between the 3rd and the 6th.

9 Right?

10 A. I did not.

11 Q. Did you do anything to compare  
12 Mr. Day's experience with the subject matter  
13 experts in Dallas, Texas, at Oxy to determine  
14 who you might want to rely on for information  
15 about VCM?

16 MS. PETTY: Objection.

17 THE WITNESS: No.

18 QUESTIONS BY MR. SWANSON:

19 Q. Same questions for Mr. McCarty.

20 In electing to rely on  
21 Mr. McCarty, can you tell us what specific  
22 experience he had, if any, working with  
23 stabilized vinyl chloride monomers in a  
24 derailment?

25 A. I knew he was the prime

1 contractor for a derailment in Paulsboro, New  
2 Jersey --

3 Q. Okay.

4 A. -- that involved a breached  
5 vinyl chloride car.

6 Q. Okay. Did that -- did that  
7 derailment involve a vent and burn of that  
8 car?

9 A. It did not.

10 Q. So can you tell us what  
11 experience, if any, Mr. McCarty had venting  
12 and burning vinyl chloride monomers?

13 A. I cannot.

14 Q. Can you tell us what experience  
15 Mr. McCarty had, if any, regarding vinyl  
16 chloride monomer potentially polymerizing?

17 A. His experience?

18 Q. Specific experience dealing  
19 with vinyl chloride monomer polymerization.

20 A. I do not.

21 Q. Can you tell us what experience  
22 Mr. McCarty had working with VCM initiators?

23 A. I cannot.

24 Q. Can you tell us what  
25 experience, if any, Mr. McCarty had with

1 hot-tapping vinyl chloride monomer cars?

2 A. I cannot.

3 Q. Can you tell us what experience  
4 Mr. McCarty had, if any, offloading vinyl  
5 chloride monomer through a tank car's valves  
6 following a derailment?

7 A. I cannot.

8 Q. And I take it you didn't do any  
9 comparison of Mr. McCarty's experience to the  
10 subject matter experts you had access to in  
11 Dallas from Oxy Vinyls.

12 True, sir?

13 MS. PETTY: Objection.

14 THE WITNESS: I did not.

15 QUESTIONS BY MR. SWANSON:

16 Q. I had shown you before the  
17 factual report where you saw that crews were  
18 able to access one of the angle valves on  
19 2025.

20 You recall that, sir?

21 A. Yes.

22 Q. And by attaching a pressure  
23 gauge to the angle valve, they were able to  
24 get pressure readings from that car.

25 Right?

1           A.       That's correct.

2           Q.       Can you tell the jury what an  
3   angle valve is on a tank car?

4           A.       An angle valve is a style of  
5   valve, usually a loading or offloading valve  
6   or a vapor valve on the car. The angle valve  
7   just describes the design of the valve.

8           Q.       Right.

9                   And on 2025, you knew that the  
10   function of the angle valve was to load and  
11   unload vinyl chloride monomer into that car.  
12                   Right?

13          A.       Correct.

14          Q.       The angle valve is a valve that  
15   Oxy used to put VCM into 2025 and then sent  
16   it on its way.

17                   Right?

18          A.       That's correct.

19          Q.       Angle valve is the valve that  
20   Oxy would have used had the train reached its  
21   destination to offload the vinyl chloride  
22   monomer from that car.

23                   Right, sir?

24          A.       The liquid angle valves, yes.

25          Q.       Right.



1                   And on this -- on 2025, you  
2       know the angle valve was accessible because  
3       you put a pressure gauge on it.

4                   Right?

5           A.       Well, there are three angle  
6       valves. Some have -- some have three. I  
7       believe these had three angle valves - one  
8       vapor, two liquid lines. I'd have to go look  
9       at the car, you know, the records of the car  
10      to see.

11          Q.       Right.

12          A.       There's actually three angle  
13      valves.

14          Q.       You put a pressure gauge on one  
15      of the angle valves.

16                  Right?

17          A.       Yes.

18          Q.       Now, was there any discussion  
19      about using that angle valve that was  
20      functioning to take pressure readings, using  
21      that angle valve to offload VCM from the  
22      Trinity car rather than blowing it up and  
23      spouting 170,000 pounds of VCM into the  
24      environment?

25                  Any discussion of that at all,

1       sir?

2                               MS. PETTY:  Objection.

3                               MR. FUKUMURA:  Objection.

4                               THE WITNESS:  No, there was no  
5       discussion of that.

6       QUESTIONS BY MR. SWANSON:

7               Q.       You talked about a private  
8       meeting that you had with Commander Drabick  
9       on the evening -- early evening of the 5th.

10                      Right, sir?

11              A.       Yes.

12              Q.       I don't want to go back through  
13       your testimony.  I do want to ask you --  
14       well, let me ask you first.

15                      When you met with Chief  
16       Drabick, the recommendation of you and your  
17       team was, we're going to vent and burn all  
18       five cars.

19                      Right?

20              A.       No.

21              Q.       Your recommendation -- you  
22       believed it was necessary.  Norfolk Southern  
23       and your contractors believed it was  
24       necessary to vent and burn all five VCM cars.

25                      Right?

1           A.       We believed a vent and burn  
2       had -- needed to take place to safely bring  
3       an end to the incident, yes.

4           Q.       Of all five cars.  
5                    Right?

6           A.       I don't know we discussed the  
7       number of cars at that time. I really don't.

8           Q.       Well, you knew that that vent  
9       and burn wouldn't happen if Chief Drabick  
10      didn't sign off.

11                   Right?

12          A.       Yes.

13          Q.       When you went in and -- so your  
14      job was to try to convince Chief Drabick that  
15      it was the appropriate decision based on what  
16      you were seeing and what the contractor was  
17      seeing.

18                   Right, sir?

19                   MS. PETTY: Objection.

20                   MR. FUKUMURA: Objection.

21                   THE WITNESS: No.

22      QUESTIONS BY MR. SWANSON:

23          Q.       Let me just ask you then.

24                   When you went in and you met  
25      with Chief Drabick, did you tell him that one

1 of the VCM cars that was -- that was a  
2 candidate for venting and burning, Norfolk  
3 Southern had determined to be stable? Did  
4 you tell him that?

5 A. No.

6 Q. You know that your employer,  
7 Norfolk Southern, has filed a lawsuit against  
8 Trinity.

9 Right?

10 A. Yes.

11 Q. Have you read the complaint in  
12 the case that Norfolk Southern filed against  
13 Trinity?

14 A. I have not.

15 Q. So you're on the ground between  
16 February 3rd and February 7 in East  
17 Palestine.

18 Right?

19 A. Yes.

20 Q. Firsthand knowledge of the  
21 Norfolk Southern derailment response.

22 Right?

23 A. Yes.

24 Q. Firsthand knowledge of the  
25 decision to vent and burn.

1 Right?

2 A. Yes.

3 Q. Firsthand knowledge of the  
4 status and the condition of the Trinity car  
5 at the time it was detonated.

6 Right?

7 MS. PETTY: Objection.

8 THE WITNESS: Yes.

9 QUESTIONS BY MR. SWANSON:

10 Q. Firsthand knowledge for all the  
11 reasons that Norfolk Southern elected to  
12 detonate Trinity's 2025 rather than pursue  
13 other options.

14 Right?

15 MS. PETTY: Objection.

16 THE WITNESS: I'm sorry, repeat  
17 the question.

18 QUESTIONS BY MR. SWANSON:

19 Q. You had firsthand knowledge of  
20 all the reasons that Norfolk Southern  
21 detonated Trinity's 2025 rather than pursue  
22 other options.

23 Right?

24 You had firsthand knowledge of  
25 that, right?

1 MS. PETTY: Objection.

2 THE WITNESS: I had firsthand  
3 knowledge of everything involving the  
4 emergency response of the vinyl  
5 chloride cars.

6 QUESTIONS BY MR. SWANSON:

7 Q. Firsthand -- sorry to  
8 interrupt.

9 Are you done?

10 A. Yes.

11 Q. Firsthand knowledge of what  
12 Norfolk Southern and its contractors told  
13 unified command, what they didn't tell  
14 unified command.

15 Right?

16 MS. PETTY: Objection.

17 MR. FUKUMURA: Objection.

18 THE WITNESS: I don't know  
19 direct information about everything  
20 that was said in the meeting at city  
21 hall that night of the 5th, because I  
22 was not present.

23 QUESTIONS BY MR. SWANSON:

24 Q. Given all of your firsthand  
25 experience with the derailment and the

1 response, it didn't occur to you to read the  
2 complaint that your employer had filed  
3 against Trinity to determine if the claims  
4 that Norfolk Southern was making had any  
5 merit?

6 Didn't occur to you?

7 MR. FUKUMURA: Objection.

8 MS. PETTY: Objection.

9 THE WITNESS: No.

10 QUESTIONS BY MR. SWANSON:

11 Q. Before you met Norfolk  
12 Southern's outside lawyers who filed that  
13 lawsuit on Norfolk Southern's behalf, did you  
14 believe that Trinity had done anything wrong  
15 in responding to the derailment of 2025?

16 MS. PETTY: Objection.

17 MR. FUKUMURA: Objection.

18 THE WITNESS: I had not.

19 QUESTIONS BY MR. SWANSON:

20 Q. What was your reaction when you  
21 learned that Norfolk Southern had filed a  
22 lawsuit against Trinity?

23 MR. FUKUMURA: Objection.

24 MS. PETTY: Objection.

25 THE WITNESS: I don't know that

1 I had a reaction.

2 QUESTIONS BY MR. SWANSON:

3 Q. Do you know what the claims are  
4 that Norfolk Southern asserts against  
5 Trinity?

6 A. I do not.

7 Q. No idea at all?

8 A. None.

9 Q. Have you ever seen, as you sit  
10 here today, the certificate of construction  
11 for car 2025?

12 A. I have not.

13 MR. SWANSON: If we can go off  
14 the record.

15 VIDEOGRAPHER: We are now going  
16 off the video record. The time is  
17 currently 4:41 p.m.

18 (Off the record at 4:41 p.m.)

19 VIDEOGRAPHER: We are now back  
20 on the video record. The time is  
21 currently 4:42 p.m.

22 MR. SWANSON: Mr. Wood, those  
23 are all the questions I have for you.  
24 Thanks for answering them.

25 THE WITNESS: You're welcome.



1 VIDEOPHOTOGRAPHER: Do you need to  
2 go off the record and switch?

3 MR. BUCHANAN: I'm going to be  
4 quick.

5 VIDEOPHOTOGRAPHER: Okay.

6 MR. BUCHANAN: Oh, any  
7 questions from the defense?

8 MR. FUKUMURA: Are you done?

9 MR. BUCHANAN: I'm sorry, I'm  
10 just -- I'll respond to your  
11 questions, if you have any.

12 MS. PETTY: Yeah, no, nothing  
13 right now. We'll see what you do in  
14 your next stint up there, but, yeah.

15 REDIRECT EXAMINATION

16 QUESTIONS BY MR. BUCHANAN:

17 Q. Mr. Wood, just a few more  
18 questions for you.

19 Do you have Exhibit 21 before  
20 you? That's that incident status report from  
21 February 5, 2023.

22 A. What number?

23 MR. FUKUMURA: 21.

24 QUESTIONS BY MR. BUCHANAN:

25 Q. I had it as 21. Incident

1 status report, February 5, 2023.

2 A. Yes, I have it.

3 Q. You answered a number of  
4 questions from Oxy Vinyls' counsel on this  
5 document.

6 Do you recall that?

7 A. Yes.

8 Q. Okay. Taking you to, excuse  
9 me, page 4 of 7.

10 You were just asked a number of  
11 questions about the experience of Mr. Day and  
12 Mr. McCarty with regard to vent and burn,  
13 with regard to VCM, with regard to  
14 offloading, onloading.

15 You recall those questions?

16 A. Yes.

17 Q. Who did you tell -- let's look  
18 in that box there, second up from the bottom.  
19 "SMEs from Occidental on site to evaluate  
20 chemical behavior in cars."

21 Do you see that?

22 A. Which bullet?

23 Q. It's the last bullet of the  
24 second box.

25 A. Yes.

1 Q. "SMEs from Occidental on site  
2 to review chemical behavior in cars."

3 Do you see that, sir?

4 A. Yes.

5 Q. SME means what?

6 A. Subject matter expert.

7 Q. You told the NTSB that the  
8 subject matter experts in the chemical  
9 behavior in the cars was Occidental.

10 Is that right?

11 MS. PETTY: Objection.

12 THE WITNESS: I don't know that

13 I did, but --

14 QUESTIONS BY MR. BUCHANAN:

15 Q. That's what this report said,  
16 right?

17 MS. PETTY: Objection.

18 THE WITNESS: Yes.

19 QUESTIONS BY MR. BUCHANAN:

20 Q. And yet when these issues were  
21 arising with regard to this issue about  
22 polymerization or not, you, sir, did not  
23 contact them in Dallas.

24 Do I have that correct?

25 A. I did not.

1 MR. BUCHANAN: No further  
2 questions.

3 VIDEOGRAPHER: Any follow-ups?

4 MS. PETTY: No, thank you.

5 VIDEOGRAPHER: Anyone else?

6 We are now going off the video  
7 record. The time is currently  
8 4:46 p.m.

9 (Off the record 4:46 p.m.)

10 MS. PETTY: Okay. Yeah, we'll  
11 just designate the transcript  
12 confidential under the protective  
13 order, and we're done.

14 Thank you. Sorry.

15 (Deposition concluded at 4:47 p.m.)

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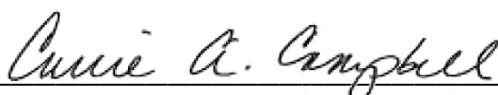
Robert Wood

CERTIFICATE

I, CARRIE A. CAMPBELL, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, Robert C. Wood, was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



CARRIE A. CAMPBELL,  
NCRA Registered Diplomat Reporter  
Certified Realtime Reporter  
California Certified Shorthand  
Reporter #13921  
Missouri Certified Court Reporter #859  
Illinois Certified Shorthand Reporter  
#084-004229  
Texas Certified Shorthand Reporter #9328  
Kansas Certified Court Reporter #1715  
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#30XI00242600  
Louisiana Certified Court Reporter  
#2021012  
Notary Public  
Dated: December 12, 2023

## INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: EAST PALESTINE TRAIN  
DERAILMENT**

**CASE NO. 4:23-CV-00242-BYP  
JUDGE BENITA Y. PEARSON**

**ERRATA TO THE DEPOSITION TRANSCRIPT OF  
ROBERT C. WOOD TAKEN ON DECEMBER 11, 2023**

I have reviewed the transcript of my testimony of December 11, 2023, and hereby make the following changes in form and/or substance:

<b>PAGE</b>	<b>LINE(S)</b>	<b>CHANGE</b>	<b>REASON FOR CHANGE</b>
3	7	“erin.farrel@wilmerhal.com” to “erin.farrel@wilmerhale.com”	Transcription error
35	12	“there was” to “there were”	Clarification
61	13	“forward whoever” to “forward to whoever”	Clarification
75	21	“-- their safety.” to “-- because of their safety.”	Clarification
78	9	“Exhibit 2 your deposition” to “Exhibit 2 to your deposition”	Clarification
87	11	“product was polymerizing” to “product was not polymerizing”	Clarification
94	24	“contractor” to “contractors”	Transcription error
104	10	“there were” to “there was”	Clarification
106	18	“than they” to “than that they”	Clarification
114	11	“personnel had” to “personnel we had”	Clarification
146	1	“was conducting” to “were conducting”	Transcription error
149	14	“about I was” to “about if I was”	Transcription error

PAGE	LINE(S)	CHANGE	REASON FOR CHANGE
177	6	“that go” to “that went”	Clarification
190	2	“been closer” to “was closer”	Clarification
207	20	“all samples taken” to “in all the samples taken”	Clarification
236	9	“12:01 p.m.” to “1:01 p.m.”	Transcription error
266	13	“CTH.com, to an Ethan Currie at CTH.com” to “CTEH.com to an Ethan Currie at CTEH.com”	Transcription error
266	20	“CTH” to “CTEH”	Transcription error
280	21	“that it’s stating” to “that is stating”	Clarification
281	17	“they believe” to “they believed”	Clarification
387	6	“know we” to “know if we”	Clarification

I, Robert C. Wood, read the foregoing deposition transcript and hereby state that the foregoing is true and correct, except as noted herein.

*Robert Wood*

Robert C. Wood

1/5/2024

Date